

EXHIBIT NO. PTX-115 evid.
CAUSE NO. 3:22cv734-DPJ-HSO-LHS
WITNESS _____
CLERK: SHONE POWELL

FEB 26 2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Gandice Clark, REPORTER

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MISSISSIPPI STATE CONFERENCE OF THE PLAINTIFFS
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE; DR.
ANDREA WESLEY; DR. JOSEPH WESLEY;
ROBERT EVANS; GARY FREDERICKS;
PAMELA HAMNER; BARBARA FINN; OTHO
BARNES; SHIRLINDA ROBERTSON; SANDRA
SMITH; DEBORAH HULITT; RODESTA
TUMBLIN; DR. KIA JONES; MARCELEAN
ARRINGTON; VICTORIA ROBERTSON

VS. No. 3:22-cv-734-DPJ-HSO-LHS

STATE BOARD OF ELECTION DEFENDANTS
COMMISSIONERS; TATE REEVES, in his
official capacity as Governor of
Mississippi; LYNN FITCH, in her
official capacity as Attorney
General of Mississippi; MICHAEL
WATSON, in his official capacity as
Secretary of State of Mississippi
AND
MISSISSIPPI REPUBLICAN EXECUTIVE INTERVENOR-
COMMITTEE DEFENDANT

VIDEO DEPOSITION OF
THE MISSISSIPPI SECRETARY OF STATE
WITNESS: KYLE KIRKPATRICK

Taken at the instance of the Plaintiffs at the
offices of Butler Snow, 1020 Highland Colony
Parkway, Ridgeland, Mississippi, on
December 20, 2023,
beginning at approximately 9:01 a.m.

(APPEARANCES NOTED HEREIN)

* * * * *

Reported Stenographically by:
Julie Brown, RPR, CCR 1587

3:22-cv-734

PTX-115

<p>Page 2</p> <p>1 APPEARANCES OF COUNSEL:</p> <p>2</p> <p>3 For the Plaintiffs:</p> <p>4 JOHN P. LAVELLE, JR. (Via Zoom)</p> <p>5 Morgan, Lewis & Bockius LLP</p> <p>6 1701 Market St.</p> <p>7 Philadelphia, PA 19103</p> <p>8 (202) 739-3000</p> <p>9 john.lavelle@morganlewis.com</p> <p>10 JOSHUA TOM (Via Zoom)</p> <p>11 ACLU of Mississippi</p> <p>12 101 South Congress St.</p> <p>13 Jackson, MS 39201</p> <p>14 (601) 354-3408</p> <p>15 Jtom@aclu-ms.org</p> <p>16</p> <p>17 SPENSER JAENICHEN (Via Zoom)</p> <p>18 Morgan, Lewis & Bockius LLP</p> <p>19 110 North Wacker Drive</p> <p>20 Boston, MA 02110</p> <p>21 (312) 324-1153</p> <p>22 spenser.jaenichen@morganlewis.com</p> <p>23 BENJAMIN BHAMDEO (Via Zoom)</p> <p>24 Morgan, Lewis & Bockius LLP</p> <p>25 1111 Pennsylvania Ave. NW</p> <p>Suite 900</p> <p>Washington, D.C. 20005</p> <p>(202) 739-5544</p> <p>Benjamin.bhamdeo@morganlewis.com</p> <p>DREW CLEARY JORDAN (Via Zoom)</p> <p>Morgan, Lewis & Bockius LLP</p> <p>1111 Pennsylvania Ave. NW</p> <p>Washington, D.C. 20004</p> <p>(713) 890-5000</p> <p>Drew.jordan@morganlewis.com</p>	<p>Page 4</p> <p>1 INDEX Page</p> <p>2</p> <p>3 Appearances 2-3</p> <p>4 Certificate of Court Reporter 150</p> <p>5</p> <p>6 EXAMINATION Page</p> <p>7</p> <p>8 Examination By Mr. Lavelle 6</p> <p>9</p> <p>10 EXHIBITS Page</p> <p>11 Exhibit 1 Plaintiffs' Amended Notice of 30(b)(6) 9</p> <p>12 Deposition - MS SOS</p> <p>13 Exhibit 2 Ex. A to Plaintiffs' Amended Notice of 10</p> <p>14 30(b)(6) Deposition - MS SOS</p> <p>15 Exhibit 3 Emails with Collins and Lennep re: 29</p> <p>16 Letter Delivered, 12/18/20, MS00000253</p> <p>17 Exhibit 4 Election Commissioner Orientation 42</p> <p>18 Slide Decks, MLC07</p> <p>19 Exhibit 5 ECAM Meeting Slide Decks, MLC10 43</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 3</p> <p>1 APPEARANCES CONTINUED</p> <p>2 For the Defendants:</p> <p>3 P. RYAN BECKETT</p> <p>4 Butler Snow LLP</p> <p>5 Renaissance at Colony Park</p> <p>6 Suite 1400</p> <p>7 Ridgeland, MS 39158</p> <p>8 (601) 985-4557</p> <p>9 Ryan.Beckett@butlersnow.com</p> <p>10 REX SHANNON III</p> <p>11 Mississippi Special Assistant</p> <p>12 Attorney General</p> <p>13 P.O. Box 220</p> <p>14 Jackson, MS 39205</p> <p>15 (601) 359-4184</p> <p>16 Rex.shannon@ago.ms.gov</p> <p>17 LEIGH TRICHE JANOUS</p> <p>18 Mississippi Secretary of State</p> <p>19 General Counsel</p> <p>20 401 Mississippi St.</p> <p>21 P.O. Box 136</p> <p>22 Jackson, MS 39205</p> <p>23 (601) 359-6318</p> <p>24 Leigh.janous@sos.ms.gov</p> <p>25</p> <p>TOMMIE S. CARDIN</p> <p>Butler Snow LLP</p> <p>Renaissance at Colony Park</p> <p>Suite 1400</p> <p>Ridgeland, MS 39158</p> <p>(601) 985-4570</p> <p>Tommie.Cardin@butlersnow.com</p> <p>ALSO PRESENT: Jason Hopkins, videographer</p> <p>Bailey Finnestad, exhibit tech</p> <p>(Via Zoom)</p>	<p>Page 5</p> <p>1 THE VIDEOGRAPHER: Good morning. We are</p> <p>2 going on the record at 9:00 a.m. Central Time on</p> <p>3 December 20, 2023. Please note that this deposition</p> <p>4 is being conducted virtually and quality of</p> <p>5 recording depends on the quality of the camera and</p> <p>6 the internet connection of the participants. What</p> <p>7 is seen from the witness and heard on screen is what</p> <p>8 will be recorded. The audio and video recording</p> <p>9 will continue to take place unless all parties agree</p> <p>10 to go off the record.</p> <p>11 This is a 30(b)(6) video-recorded</p> <p>12 deposition of Mississippi Secretary of State Kyle</p> <p>13 Kirkpatrick taken by counsel for the plaintiff in</p> <p>14 the matter of Mississippi State Conference for the</p> <p>15 National Association for the Advancement of Colored</p> <p>16 People, et al., versus the State Board of Election</p> <p>17 Commissioners, et al., filed in the United States</p> <p>18 District Court for the Southern District of</p> <p>19 Mississippi, Northern Division, case number</p> <p>20 3:22-cv-734-DPJ-HSO-LHS.</p> <p>21 The location of the deposition is 1020</p> <p>22 Highland Colony Parkway, Ridgeland, Mississippi.</p> <p>23 Appearances will be noted on the steno</p> <p>24 record. Our court reporter may now swear in the</p> <p>25 witness and we may proceed.</p>

2 (Pages 2 - 5)

<p style="text-align: right;">Page 6</p> <p>1 KYLE KIRKPATRICK, 2 having been first duly sworn, was examined and 3 testified as follows: 4 EXAMINATION 5 EXAMINATION BY MR. LAVELLE: 6 Q. Good morning, Mr. Kirkpatrick. My name 7 is John Lavelle. Can you hear me okay? 8 A. Yes, sir. Good morning. 9 Q. Good morning. So we met just before we 10 went on the record here. I'm an attorney at Morgan 11 Lewis in Philadelphia. I am going to be taking your 12 deposition today, and I am representing the 13 plaintiffs in a lawsuit. Could you please state 14 your full name and spell your last name for us? 15 A. Kyle Kirkpatrick, K-I-R-K-P-A-T-R-I-C-K. 16 Q. Mr. Kirkpatrick, are you a lawyer? 17 A. Yes. 18 Q. You're admitted to the bar in the state 19 of Mississippi? 20 A. Yes. 21 Q. Have you ever taken a deposition before? 22 A. Yes. 23 Q. So you're very familiar with the 24 procedures that we're about to go through this day; 25 correct?</p>	<p style="text-align: right;">Page 8</p> <p>1 anybody else who is there in the room with you. 2 We've agreed to take this deposition by Zoom so I am 3 not physically there in the room with you. But you 4 need to answer the questions just as you would if I 5 were there in the room with you. All right? 6 A. Yes. 7 Q. If I ask a question and you don't 8 understand it, let me know and I'll rephrase it. If 9 I ask a question and you haven't heard it, let me 10 know and I'll repeat it or have the court reporter 11 read it back. If I ask a question and you answer 12 it, I'm going to assume you've heard it, you 13 understand it, you answered to the best of your 14 ability. All right? 15 A. Okay. 16 Q. There are a number of exhibits that I 17 plan to show you today during the course of the 18 deposition. We have supplied to your counsel a 19 binder with hard copies of those exhibits. In 20 addition, we'll be marking exhibits electronically 21 and they'll be appearing on a screen in front of 22 you. And you'll have the option of looking either 23 on the screen or at the hard copy in order to answer 24 questions. All right? 25 A. Okay.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Yes. 2 Q. All right. Well, I probably don't need 3 to go over the rules with you in detail, but I'd 4 like to just review them briefly so we got them on 5 the record and so we are all starting from the same 6 standpoint. Is that all right? 7 I am going to ask you a series of 8 questions. You have been designated as the 9 representative under Federal Rule of Civil Procedure 10 30(b)(6) of the Secretary of State's office of the 11 State of Mississippi, and you'll be testifying as 12 that office in this deposition. 13 Do you understand that? 14 A. Yes. 15 Q. You've taken an oath to tell the truth 16 here today, and we are going to expect you to uphold 17 that. I need you to give me audible answers such as 18 yes, no, I don't know. All right? 19 A. Yeah. 20 Q. I need the answers you give to be your 21 answers, which means you can't get help from anyone 22 else. No phoning a friend here. So I'm going to 23 ask you not to look at your phone during the time 24 that we're in the deposition. I'm going to ask you 25 not to receive any answers or suggestions from</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Any questions for me on those 2 instructions? 3 A. No, sir. 4 Q. If you need to take a break at any time, 5 that will be permitted, of course. The one 6 exception is any time I ask a question, I ask that 7 you answer that particular question. All right? 8 A. All right. 9 Q. So let's mark our first exhibit? 10 MR. LAVELLE: And I'll ask the concierge 11 who's on the call to mark as Exhibit 1 for 12 identification what is at Tab 1A. 13 (Exhibit 1 marked for identification.) 14 EXHIBIT TECH: Please stand by. And this 15 is Exhibit 1. 16 BY MR. LAVELLE: 17 Q. Mr. Kirkpatrick, we've marked for 18 identification as Exhibit 1 the amended notice of 19 the 30(b)(6) deposition of the Mississippi Secretary 20 of State. 21 Do you recognize this notice, sir? 22 A. Yes, sir. 23 Q. You're here appearing as the 30(b)(6) 24 designee for the Secretary of State's office 25 pursuant to this notice; correct?</p>

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<p style="text-align: right;">Page 10</p> <p>1 A. Yes, sir.</p> <p>2 MR. LAVELLE: Let's mark as the next</p> <p>3 exhibit the document that's at 1B, which I believe</p> <p>4 is the attachment to this notice.</p> <p>5 (Exhibit 2 marked for identification.)</p> <p>6 EXHIBIT TECH: That's Exhibit 2.</p> <p>7 BY MR. LAVELLE:</p> <p>8 Q. Mr. Kirkpatrick, we've marked for</p> <p>9 identification as Exhibit 2 the document that was</p> <p>10 attached to that deposition as Exhibit A.</p> <p>11 Do you see that, sir?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Do you recognize it?</p> <p>14 A. I recognize this page, yes, sir.</p> <p>15 Q. And you agree that you are the designee</p> <p>16 of the Secretary of State's office with respect to</p> <p>17 all of the topics that are identified in this</p> <p>18 exhibit?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And you're prepared to testify as the</p> <p>21 Secretary of State's representative on those topics;</p> <p>22 correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Did you bring anything with you today for</p> <p>25 your deposition?</p>	<p style="text-align: right;">Page 12</p> <p>1 to take down this exhibit for now?</p> <p>2 MR. LAVELLE: Yes, you can take that</p> <p>3 down. Thanks. We will it bring back up from time</p> <p>4 to time during the course of the deposition, but I</p> <p>5 don't think I need it for the next few deposition</p> <p>6 questions I'll be asking.</p> <p>7 BY MR. LAVELLE:</p> <p>8 Q. Did you have employment in the Secretary</p> <p>9 of State's office prior to May of 2021, sir?</p> <p>10 A. Yes, sir.</p> <p>11 Q. All right. Why don't you tell us when</p> <p>12 you first started working in the Secretary of</p> <p>13 State's office.</p> <p>14 A. I began working in the Secretary of</p> <p>15 State's office in January of 2020.</p> <p>16 Q. What was your initial position there?</p> <p>17 A. Senior attorney.</p> <p>18 Q. And what were your responsibilities</p> <p>19 there?</p> <p>20 A. The responsibilities were very similar to</p> <p>21 the Assistant Secretary of State position now except</p> <p>22 I assisted the Assistant Secretary of State in</p> <p>23 performing those duties.</p> <p>24 Q. Who was the Assistant Secretary of State</p> <p>25 at that time?</p>
<p style="text-align: right;">Page 11</p> <p>1 A. No, sir.</p> <p>2 Q. So you have no materials that you're</p> <p>3 planning to consult during the course of the</p> <p>4 deposition; is that right?</p> <p>5 A. That's correct, sir.</p> <p>6 Q. All right. Why don't we start by getting</p> <p>7 a little bit of background information concerning</p> <p>8 you, Mr. Kirkpatrick. Are you currently employed in</p> <p>9 the Secretary of State's office?</p> <p>10 A. Yes, sir.</p> <p>11 Q. What is your position there?</p> <p>12 A. I'm the Assistant Secretary of State for</p> <p>13 Elections.</p> <p>14 Q. How long have you been in that position?</p> <p>15 A. Since May of 2021.</p> <p>16 Q. What are your responsibilities in that</p> <p>17 role?</p> <p>18 A. Oversee the elections division, which</p> <p>19 includes training election officials, overseeing the</p> <p>20 responsibilities of campaign financing in regards of</p> <p>21 the Secretary of State's office, the lobbying</p> <p>22 responsibilities with the Secretary of State's</p> <p>23 office and advising the secretary on legal matters</p> <p>24 regarding elections.</p> <p>25 EXHIBIT TECH: Counsel, would you like me</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Hawley Robertson.</p> <p>2 Q. Is Ms. Robertson still with the office?</p> <p>3 A. No, sir.</p> <p>4 Q. Is it a job requirement for the Assistant</p> <p>5 Secretary of State for Elections to be a member of</p> <p>6 the bar of the state of Mississippi?</p> <p>7 A. To be honest, I'm not quite sure on that.</p> <p>8 Q. How many people work in the Secretary of</p> <p>9 State's office?</p> <p>10 A. I don't know a total number. I believe</p> <p>11 it's over a hundred employees.</p> <p>12 Q. Who do you report to?</p> <p>13 A. The Secretary of State and the chief of</p> <p>14 staff.</p> <p>15 Q. Do you know how many direct reports the</p> <p>16 Secretary of State has?</p> <p>17 A. Direct reports? No, sir.</p> <p>18 Q. Yes. How many other Assistant Secretary</p> <p>19 of States are there in the office?</p> <p>20 A. Counting off the divisions in my head.</p> <p>21 Q. Sure. Take your time.</p> <p>22 A. There's business services, public lands,</p> <p>23 charities, elections and publications all have</p> <p>24 Assistant Secretaries of State.</p> <p>25 Q. So it's four other areas where there are</p>

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<p style="text-align: right;">Page 14</p> <p>1 Assistant Secretaries of State; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Let's get a little bit of</p> <p>4 your educational background, shall we? Start with</p> <p>5 high school. Where did you graduate from high</p> <p>6 school?</p> <p>7 A. Gautier High School.</p> <p>8 Q. And where is that located?</p> <p>9 A. Gautier, Mississippi.</p> <p>10 Q. What year did you graduate from there?</p> <p>11 A. 2011.</p> <p>12 Q. Did you attend college?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Where did you attend college?</p> <p>15 A. University of Mobile.</p> <p>16 Q. Did you receive a degree from there?</p> <p>17 A. Yes.</p> <p>18 Q. And what was your degree in?</p> <p>19 A. Political science.</p> <p>20 Q. What year did you get your bachelor's</p> <p>21 degree there?</p> <p>22 A. 2015.</p> <p>23 Q. Did you go directly from University of</p> <p>24 Mobile to law school?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 16</p> <p>1 A. That's correct.</p> <p>2 Q. Do you have bar admissions in any other</p> <p>3 state?</p> <p>4 A. No, sir.</p> <p>5 Q. All right. I want to spend a few</p> <p>6 minutes, Mr. Kirkpatrick, getting a sense of how you</p> <p>7 prepared to testify here today. When did you find</p> <p>8 out that you were going to be appearing as the</p> <p>9 30(b)(6) designee for the Secretary of State's</p> <p>10 office in this matter?</p> <p>11 A. When I received the notice of deposition.</p> <p>12 Q. And when was that?</p> <p>13 A. I can't remember the exact day.</p> <p>14 Q. Within the last month?</p> <p>15 A. I believe so.</p> <p>16 Q. So we're taking your deposition here on</p> <p>17 December 20, 2023; correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. All right. So sometime within the last</p> <p>20 30 days, approximately, you learned that you were</p> <p>21 going to be the 30(b)(6) designee; is that right?</p> <p>22 A. Yes, sir.</p> <p>23 Q. What did you do in order to prepare to</p> <p>24 testify today?</p> <p>25 A. I reviewed the previous interrogatory and</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. And where did you attend law school?</p> <p>2 A. University of Mississippi School of Law.</p> <p>3 Q. Where is that located?</p> <p>4 A. Oxford, Mississippi.</p> <p>5 Q. When did you graduate from there?</p> <p>6 A. 2018.</p> <p>7 Q. And you received the JD degree, I assume?</p> <p>8 A. Yes, sir.</p> <p>9 Q. All right. So you got your JD in 2018</p> <p>10 and you started in the Secretary of State's office</p> <p>11 in 2020. Did you have any employment between</p> <p>12 graduating from law school and starting at the</p> <p>13 Secretary of State's office?</p> <p>14 A. Motley Rice.</p> <p>15 Q. Which office of Motley Rice did you work</p> <p>16 in?</p> <p>17 A. Charleston, South Carolina, office.</p> <p>18 Q. Motley Rice is a plaintiffs personal</p> <p>19 injury law firm; is that correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And is that the kind of law work you did</p> <p>22 there?</p> <p>23 A. Yes, sir.</p> <p>24 Q. You're currently licensed in the state of</p> <p>25 Mississippi to practice law; is that correct?</p>	<p style="text-align: right;">Page 17</p> <p>1 request for production responses, as well as the</p> <p>2 notice of the deposition.</p> <p>3 Q. Do you have an understanding of what this</p> <p>4 lawsuit is about, sir?</p> <p>5 A. Yes, sir.</p> <p>6 Q. What is your understanding of what this</p> <p>7 litigation is about?</p> <p>8 A. 2022 legislative redistricting.</p> <p>9 Q. And specifically anything about that</p> <p>10 redistricting?</p> <p>11 A. Just that it's being challenged.</p> <p>12 Q. Were you yourself involved in the 2022</p> <p>13 legislative redistricting process?</p> <p>14 A. No, sir.</p> <p>15 Q. Who was involved in that process from the</p> <p>16 Secretary of State's office?</p> <p>17 A. The Secretary of State's office is not</p> <p>18 involved in redistricting.</p> <p>19 Q. Well, the Secretary of State's office</p> <p>20 does provide information that is used in</p> <p>21 redistricting; correct?</p> <p>22 A. If we are asked for information, we will</p> <p>23 provide it, but we are not involved in the actual</p> <p>24 redistricting process.</p> <p>25 Q. Were you yourself, Mr. Kirkpatrick,</p>

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<p style="text-align: right;">Page 18</p> <p>1 involved in collecting or providing any information</p> <p>2 to those who were responsible for redistricting in</p> <p>3 connection with the 2022 legislative redistricting?</p> <p>4 A. No, sir.</p> <p>5 Q. Are you aware that the deposition of</p> <p>6 Madalan Lennep was taken earlier this week in this</p> <p>7 litigation?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Did you sit in on that deposition?</p> <p>10 A. No, sir.</p> <p>11 Q. All right. Are you aware of what we</p> <p>12 asked Ms. Lennep about, generally, in that</p> <p>13 deposition?</p> <p>14 A. No, sir.</p> <p>15 Q. Do you have any involvement in</p> <p>16 supervising Ms. Lennep --</p> <p>17 A. Yes, sir.</p> <p>18 Q. -- in her -- okay. And what is your role</p> <p>19 in terms of supervising Ms. Lennep?</p> <p>20 A. As the Assistant Secretary of State, she</p> <p>21 is a contractor for the elections division, so she</p> <p>22 reports to me.</p> <p>23 Q. All right. So I got a little off of the</p> <p>24 topic there. I wanted to ask you questions about</p> <p>25 how you prepared for your deposition. So you found</p>	<p style="text-align: right;">Page 20</p> <p>1 met with them?</p> <p>2 A. Yes, sir.</p> <p>3 Q. What did you look at?</p> <p>4 A. The notice of the deposition.</p> <p>5 Q. Anything else?</p> <p>6 A. No, sir.</p> <p>7 Q. Was there anybody else who participated</p> <p>8 in that meeting other than those two lawyers who you</p> <p>9 mentioned?</p> <p>10 A. Leigh Janous and Doug Miracle was in</p> <p>11 there for a time.</p> <p>12 Q. And who is Mr. Miracle?</p> <p>13 A. He's an attorney with the Attorney</p> <p>14 General's office.</p> <p>15 Q. Anybody else participate in the prep</p> <p>16 session, other than people you've already mentioned?</p> <p>17 A. No, sir.</p> <p>18 Q. Any other discussions that you've had</p> <p>19 with anybody in order to prepare for your deposition</p> <p>20 other than that meeting that you described on the</p> <p>21 13th of December?</p> <p>22 A. No, sir.</p> <p>23 Q. Have you looked at anything outside of</p> <p>24 that meeting in order to prepare for the deposition?</p> <p>25 A. I reviewed those, the notice and the</p>
<p style="text-align: right;">Page 19</p> <p>1 out the deposition was going to be taken and that</p> <p>2 you were going to be the designee sometime within</p> <p>3 the last month; correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Did you review any documents in order to</p> <p>6 prepare for your deposition, other than the</p> <p>7 interrogatory responses and the notice of the</p> <p>8 deposition?</p> <p>9 A. No, sir.</p> <p>10 Q. Did you meet with anybody to prepare for</p> <p>11 the deposition?</p> <p>12 A. I met with counsel.</p> <p>13 Q. Who did you meet with?</p> <p>14 A. Mr. Ryan Beckett and Mr. Rex Shannon.</p> <p>15 Q. I don't want to know about the substance</p> <p>16 of any discussions you had with them, but I am</p> <p>17 entitled to know and would like to know when you met</p> <p>18 with them.</p> <p>19 A. December 13.</p> <p>20 Q. So that would be one week ago today?</p> <p>21 A. Yes, sir.</p> <p>22 Q. How long did you meet with them?</p> <p>23 A. I believe about an hour and a half to two</p> <p>24 hours.</p> <p>25 Q. Did you look at any documents when you</p>	<p style="text-align: right;">Page 21</p> <p>1 request for productions, again last night.</p> <p>2 Q. Have you ever testified on behalf of the</p> <p>3 Secretary of State's office before?</p> <p>4 A. No, sir. I've never been designated as a</p> <p>5 30(b)(6) before.</p> <p>6 Q. All right. Well, thank you for your</p> <p>7 patience so far. We'll try to make this not too</p> <p>8 painful for you. You've never testified in court</p> <p>9 before, I take it?</p> <p>10 A. No, sir.</p> <p>11 Q. So you were in -- at your current</p> <p>12 position at the time the 2022 legislative</p> <p>13 redistricting work was done; correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And you're aware, generally, that</p> <p>16 Ms. Lennep provided some information to PEER in</p> <p>17 connection with the redistricting process; is that</p> <p>18 right?</p> <p>19 MR. BECKETT: Object to the form.</p> <p>20 THE WITNESS: Yes, sir. I'm aware some</p> <p>21 documents were provided.</p> <p>22 BY MR. LAVELLE:</p> <p>23 Q. What is your involvement in reviewing</p> <p>24 requests that are made to Ms. Lennep for data or</p> <p>25 information in connection with the redistricting</p>

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<p style="text-align: right;">Page 22</p> <p>1 process?</p> <p>2 A. I did not review any of the documents</p> <p>3 that were requested at the time.</p> <p>4 Q. You're familiar with the statewide</p> <p>5 elections management system, or SEMS; correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Can you tell us what SEMS is?</p> <p>8 A. SEMS is the voter registration and</p> <p>9 election management system for the State of</p> <p>10 Mississippi.</p> <p>11 Q. It's an electronic database which</p> <p>12 collects and organizes a range of information</p> <p>13 relating to elections; correct?</p> <p>14 A. Yes, voter registration and other</p> <p>15 election-related materials.</p> <p>16 Q. And you're aware that Ms. Lennep is a</p> <p>17 contractor for the Secretary of State's office with</p> <p>18 respect to the SEMS system; correct?</p> <p>19 A. Yes.</p> <p>20 Q. In fact, she's been referred to by at</p> <p>21 least one person as the guru of SEMS; right? Are</p> <p>22 you aware of that?</p> <p>23 A. I don't know who may have referred to her</p> <p>24 as the guru.</p> <p>25 Q. Well, when you have a SEMS question, who</p>	<p style="text-align: right;">Page 24</p> <p>1 in connection with the redistricting process?</p> <p>2 A. Yes.</p> <p>3 Q. How did you become aware of that?</p> <p>4 A. I was made aware of that when I provided</p> <p>5 the emails in the request for production.</p> <p>6 Q. All right. So let's take a step back.</p> <p>7 The redistricting process started in 2020, didn't</p> <p>8 it?</p> <p>9 A. I can't say when the redistricting</p> <p>10 process began.</p> <p>11 Q. All right. Let me ask the question a</p> <p>12 different way: Were you aware contemporaneously</p> <p>13 that Mr. Collins was asking Ms. Lennep for</p> <p>14 assistance from the SEMS database in connection with</p> <p>15 redistricting?</p> <p>16 A. I don't recall knowing at the time of</p> <p>17 2020 that that data had been requested.</p> <p>18 Q. So typically there's no need for those</p> <p>19 kind of requests to be directed to you; is that</p> <p>20 right?</p> <p>21 A. We do handle public records requests. It</p> <p>22 will depend on the records being requested and</p> <p>23 what's actually requested, depending on if I need to</p> <p>24 review or not.</p> <p>25 Q. All right. Well, we've seen, and we</p>
<p style="text-align: right;">Page 23</p> <p>1 do you ask?</p> <p>2 A. I'll go ask Madalan.</p> <p>3 Q. And that's true for other folks in your</p> <p>4 office, too; correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. She's the go-to resource on SEMS?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And she's known as the go-to resource,</p> <p>9 not just within the Secretary of State's office, but</p> <p>10 within other parts of the state government; isn't</p> <p>11 that right?</p> <p>12 A. Yes, sir. Counties will call her for</p> <p>13 SEMS questions.</p> <p>14 Q. Do you know Ben Collins?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Who is Mr. Collins?</p> <p>17 A. He is the GIS director for PEER.</p> <p>18 Q. And Mr. Collins is involved in the -- or</p> <p>19 was involved in the redistricting process; isn't</p> <p>20 that right?</p> <p>21 A. I know he was involved with PEER. I</p> <p>22 don't know to what extent he was involved in the</p> <p>23 redistricting process. I'm not familiar with that.</p> <p>24 Q. Were you aware that Mr. Collins made a</p> <p>25 series of requests to Ms. Lennep for data from SEMS</p>	<p style="text-align: right;">Page 25</p> <p>1 reviewed with Ms. Lennep, a number of email requests</p> <p>2 that were sent by Mr. Collins to her for data from</p> <p>3 SEMS. And I think you were only copied on maybe one</p> <p>4 or two of them.</p> <p>5 Is your testimony here today that you were</p> <p>6 not aware at the time that those requests were made</p> <p>7 that they were being made?</p> <p>8 A. I don't recall those emails at the time.</p> <p>9 The emails can reflect if I was copied on those or</p> <p>10 not.</p> <p>11 Q. Okay. If you weren't copied on it, you</p> <p>12 weren't aware of it; is that fair?</p> <p>13 A. Like I said, I don't recall at the time</p> <p>14 being aware of it, contemporaneously at the time</p> <p>15 these requests were made. If I was copied on it, I</p> <p>16 was copied on it.</p> <p>17 Q. Do you remember yourself getting any</p> <p>18 requests from Mr. Collins for data or information in</p> <p>19 connection with redistricting?</p> <p>20 A. No, sir, I don't recall any direct</p> <p>21 requests.</p> <p>22 Q. Do you remember having any discussions</p> <p>23 with Ms. Lennep about requests that she'd received</p> <p>24 from Mr. Collins for data from SEMS?</p> <p>25 A. I don't recall a conversation about that.</p>

7 (Pages 22 - 25)

<p style="text-align: right;">Page 26</p> <p>1 Q. Do you know a gentlemen named Ted Booth?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Who is Mr. Booth?</p> <p>4 A. I believe he is counsel for PEER.</p> <p>5 Q. Ms. Lennep described Mr. Booth in her</p> <p>6 deposition testimony earlier this week as</p> <p>7 Mr. Collins's boss. Is that your understanding?</p> <p>8 A. I'm not sure of the relationship there.</p> <p>9 Q. You know that Mr. Booth is also involved</p> <p>10 in the redistricting process; correct?</p> <p>11 A. I know he's on the redistricting counsel.</p> <p>12 I can't say of his full involvement. I don't know</p> <p>13 his direct responsibilities.</p> <p>14 Q. Have you yourself, Mr. Kirkpatrick, had</p> <p>15 any involvement in receiving requests by Mr. Booth</p> <p>16 for information in connection with redistricting?</p> <p>17 A. I don't recall any requests.</p> <p>18 Q. Do you recall having any discussions with</p> <p>19 Mr. Booth at all relating to redistricting during</p> <p>20 the time that you've been in your current position?</p> <p>21 A. No, sir.</p> <p>22 Q. Are you aware that Mr. Booth directed</p> <p>23 some requests to Ms. Lennep for data from SEMS in</p> <p>24 connection with redistricting?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 28</p> <p>1 information from the department -- from the</p> <p>2 Secretary of State's office?</p> <p>3 MR. BECKETT: Object to the form.</p> <p>4 THE WITNESS: Generally we will have</p> <p>5 public records request forms when the general public</p> <p>6 ask for questions. But for other governmental</p> <p>7 agencies, we typically just try to provide some</p> <p>8 information if it's requested.</p> <p>9 BY MR. LAVELLE:</p> <p>10 Q. Does there have to be a letter</p> <p>11 memorializing the request?</p> <p>12 A. I'm not aware of any requirement that</p> <p>13 there be a letter.</p> <p>14 MR. LAVELLE: All right. Can we mark the</p> <p>15 next exhibit, please, document that's at Tab 16.</p> <p>16 EXHIBIT TECH: Please stand by.</p> <p>17 MR. BECKETT: Hey, John, I'm going to</p> <p>18 assume, as we did on Monday, that if there's a</p> <p>19 difference in the documents, you'll let us know.</p> <p>20 MR. LAVELLE: Yes, that's correct.</p> <p>21 MR. BECKETT: Because it's hard for him</p> <p>22 to scroll through the documents on the screen.</p> <p>23 MR. LAVELLE: Understood. Understood.</p> <p>24 That's why we supplied the print out.</p> <p>25 MR. BECKETT: Which we are very grateful</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. When did you become aware of that?</p> <p>2 A. I believe it was in those emails, when I</p> <p>3 provided those for the request for production.</p> <p>4 Q. So it would be fair to say that the first</p> <p>5 time you became aware of Mr. Booth's request or</p> <p>6 requests to Ms. Lennep for data from SEMS in</p> <p>7 connection with the redistricting process, the first</p> <p>8 time you found out about that was when you collected</p> <p>9 documents for production in the discovery process in</p> <p>10 this litigation; is that fair?</p> <p>11 MR. BECKETT: Object to the form.</p> <p>12 THE WITNESS: That's the first time I</p> <p>13 recall, if I was copied on any emails, I didn't</p> <p>14 recall those requests until I pulled those.</p> <p>15 BY MR. LAVELLE:</p> <p>16 Q. And you were not involved in those</p> <p>17 requests; right?</p> <p>18 A. No, sir, I didn't pull any data.</p> <p>19 Q. You didn't pull the data, Ms. Lennep</p> <p>20 didn't ask you for permission to pull the data, you</p> <p>21 didn't direct her to pull the data, you just were</p> <p>22 not involved; correct?</p> <p>23 A. Yeah. Not that I recall.</p> <p>24 Q. Is there a requirement to document in</p> <p>25 some way that the commission has requested</p>	<p style="text-align: right;">Page 29</p> <p>1 for.</p> <p>2 EXHIBIT TECH: This is Exhibit 3.</p> <p>3 (Exhibit 3 marked for identification.)</p> <p>4 BY MR. LAVELLE:</p> <p>5 Q. So, Mr. Kirkpatrick, we've marked as</p> <p>6 Exhibit 3 for identification an email exchange</p> <p>7 between Ben Collins and Madalan Lennep from</p> <p>8 December 18, 2020.</p> <p>9 Do you see this document, sir?</p> <p>10 A. Yes.</p> <p>11 Q. Is this one of the documents that you</p> <p>12 were referring to in your testimony earlier that you</p> <p>13 found in the course of collecting and producing</p> <p>14 documents in the litigation process here?</p> <p>15 A. Yes.</p> <p>16 Q. So you've seen this prior to today;</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. You are not copied on the letter; right?</p> <p>20 A. That's correct.</p> <p>21 Q. All right. In this letter, Mr. Collins</p> <p>22 writes to Ms. Lennep "Ted wanted me to let you know</p> <p>23 that the letter has been delivered. Let me know if</p> <p>24 I can do anything to help."</p> <p>25 And Ms. Lennep responds "Thanks for letting</p>

8 (Pages 26 - 29)

<p style="text-align: right;">Page 30</p> <p>1 me know. Hope you and family have a Merry 2 Christmas. Regards, Madalan." 3 Have I read that correctly? 4 A. Yes, sir. 5 Q. Do you know what letter Mr. Collins is 6 referring to in this email exchange with Ms. Lennep? 7 A. No, sir. 8 Q. Ms. Lennep testified that it was a letter 9 from the standing joint legislative committee on 10 reapportionment, performance evaluation and 11 expenditure review to the Secretary of State's 12 office with respect to the request for data that 13 were planned to be made in connection with 14 redistricting. Were you not aware of that prior to 15 my telling you that? 16 A. I don't recall a letter from that time. 17 Q. Have you ever seen such a letter? 18 A. Like I said, I don't recall seeing a 19 letter from that time. 20 Q. Were you aware that someone in the 21 Secretary of State's office had suggested that a 22 letter should be provided? 23 A. I don't recall a discussion on the letter 24 being made. 25 Q. Now, at the time in December of 2020,</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Let's look at -- well, let me ask the 2 question a different way. 3 You were involved in the collection of 4 documents for production in this litigation? 5 A. Yes, sir. 6 Q. How did you go about that process? 7 A. I reviewed electronic records as well as 8 physical records. 9 Q. Did you look for this letter that's 10 referred to in this email exchange? 11 A. I looked for -- through all files that -- 12 physical files that we have that could be responsive 13 to the request as well as any responsive records 14 that could be kept electronically. 15 Q. Would you agree with me that, if there 16 were a letter, in fact, sent -- or let me rephrase 17 the question. 18 Would you agree with me that, if a letter 19 was delivered from the standing joint legislative 20 committee on reapportionment, performance evaluation 21 and expenditure review to the Secretary of State's 22 office with respect to data request for 23 redistricting, it would have been responsive to 24 discovery request in this litigation? Would you 25 agree with me on that?</p>
<p style="text-align: right;">Page 31</p> <p>1 Hawley Robertson was in the position of senior 2 attorney, the position you currently hold; correct? 3 MR. BECKETT: Object to form. 4 THE WITNESS: No, sir. She was the 5 Assistant Secretary of State. 6 BY MR. LAVELLE: 7 Q. I'm sorry. I apologize. So Hawley 8 Robertson was, as of December 2020, the Assistant 9 Secretary of State for Elections; is that right? 10 A. Yes, sir. 11 Q. So she was in the position in December of 12 2020 that you currently hold? 13 A. Yes, sir. 14 Q. Right? And she is the person who would 15 have been responsible for supervising Ms. Lennep; 16 correct? 17 A. Yes, sir. 18 Q. Are you aware whether Ms. Robertson 19 requested that a letter be sent to the Secretary of 20 State's office to memorialize the request for data 21 in connection with the redistricting? 22 A. I am not aware. 23 Q. You've never seen such a letter, have 24 you? 25 A. No, sir, I don't recall seeing a letter.</p>	<p style="text-align: right;">Page 33</p> <p>1 MR. BECKETT: Object to the form. 2 You can answer. 3 THE WITNESS: I think anything regarding 4 redistricting could have been responsive. 5 BY MR. LAVELLE: 6 Q. Including such a letter, the letter that 7 Mr. Collins says was delivered on December 18, 2020? 8 A. Yes, sir. 9 Q. All right. But you haven't seen such a 10 letter? 11 A. No, sir, not that I recall. 12 Q. Have you seen any correspondence from 13 that committee to the Secretary of State's office in 14 connection with the redistricting process? 15 A. These emails and I believe we may have 16 gotten a letter designating the splits after the 17 election -- or after the redistricting process. 18 Q. I don't want to interrupt your answer. I 19 apologize. 20 A. I was finished, sir. 21 Q. Okay. Very good. 22 MR. LAVELLE: Could I ask the court 23 reporter just to read back the answer to make sure 24 we have the full answer, because I did jump the gun 25 there. I apologize.</p>

9 (Pages 30 - 33)

<p style="text-align: right;">Page 34</p> <p>1 (The requested record was read back.)</p> <p>2 BY MR. LAVELLE:</p> <p>3 Q. And so in that answer, you refer to</p> <p>4 "these emails." You mean the emails between</p> <p>5 Ms. Lennep and Mr. Collins or Mr. Booth; right?</p> <p>6 A. Yes, sir, the ones that I pulled.</p> <p>7 Q. The ones that were produced in the</p> <p>8 discovery process?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And you believe there was also some</p> <p>11 correspondence with respect to splits; is that</p> <p>12 right?</p> <p>13 A. Yes, I believe that was in regards to the</p> <p>14 congressional redistricting.</p> <p>15 Q. And that was conveying the information</p> <p>16 about what districts would actually be split under</p> <p>17 the new legislative districts; is that correct?</p> <p>18 A. Split precincts.</p> <p>19 Q. Split precincts. What is a split</p> <p>20 precinct?</p> <p>21 A. That is a precinct divided into two</p> <p>22 separate election districts.</p> <p>23 Q. How was that information conveyed to your</p> <p>24 office?</p> <p>25 A. I believe it was a letter saying here are</p>	<p style="text-align: right;">Page 36</p> <p>1 relates to state legislative redistricting, not the</p> <p>2 federal congressional redistricting; correct?</p> <p>3 A. Yes, sir.</p> <p>4 Q. So that letter you referred to a moment</p> <p>5 ago identifying splits, those were precinct splits</p> <p>6 for congressional redistricting, not splits for</p> <p>7 state legislative redistricting; is that correct?</p> <p>8 A. Yeah, I believe that's what I recall.</p> <p>9 Q. Was there any correspondence sent by this</p> <p>10 committee identifying precinct splits in connection</p> <p>11 with state legislative redistricting?</p> <p>12 A. Not that I recall.</p> <p>13 Q. Why not?</p> <p>14 MR. BECKETT: Object to the form.</p> <p>15 THE WITNESS: I can't speak to that.</p> <p>16 That's not something that would have been -- that</p> <p>17 would have been provided by PEER, not our office.</p> <p>18 BY MR. LAVELLE:</p> <p>19 Q. So how did you implement the new</p> <p>20 districts if you didn't have correspondence</p> <p>21 identifying them?</p> <p>22 A. We don't implement districts.</p> <p>23 Q. So Ms. Lennep, in her deposition</p> <p>24 testimony, referred to Mississippi as a bottom-up</p> <p>25 state with respect to voting records. Have you ever</p>
<p style="text-align: right;">Page 35</p> <p>1 the precincts that are split. It's also included in</p> <p>2 the legislation, I believe it's designate with an</p> <p>3 asterisk.</p> <p>4 Q. Is that a letter identifying the splits</p> <p>5 been produced in the discovery process in this</p> <p>6 litigation?</p> <p>7 A. I don't believe that was pulled because</p> <p>8 it was relating to congressional redistricting.</p> <p>9 Q. All right. So there are different</p> <p>10 redistricting processes that occur periodically when</p> <p>11 the census is done; correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Federal Congress districts are redone;</p> <p>14 correct?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And that's congressional redistricting</p> <p>17 that you referred to in your answer?</p> <p>18 A. Yes, sir, dealing with the U.S. House of</p> <p>19 Representative districts.</p> <p>20 Q. And then, in addition, there is</p> <p>21 redistricting of the state legislative districts,</p> <p>22 the house and senate districts; correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. All right. And as you -- you understand</p> <p>25 that the litigation that we're here for today</p>	<p style="text-align: right;">Page 37</p> <p>1 heard that term before?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Do you have an understanding of what is</p> <p>4 meant by "bottom up"?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Tell me what your understanding of</p> <p>7 "bottom up" is in that context?</p> <p>8 A. "Bottom up" in this context is a</p> <p>9 decentralized election process in which the local</p> <p>10 county election officials are responsible for</p> <p>11 conducting and implementing elections.</p> <p>12 Q. So, for example, each county is</p> <p>13 responsible for maintaining and updating voter</p> <p>14 records; is that right?</p> <p>15 A. That's correct.</p> <p>16 Q. And each county is individually</p> <p>17 responsible for updating records of where voters are</p> <p>18 eligible to vote based on their location of their</p> <p>19 address; correct?</p> <p>20 A. That's correct.</p> <p>21 Q. And typically a voter would be eligible</p> <p>22 to vote in one state senate district, one state</p> <p>23 house district based on what their address is;</p> <p>24 correct?</p> <p>25 A. Yes, sir.</p>

10 (Pages 34 - 37)

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<p style="text-align: right;">Page 38</p> <p>1 Q. So when state legislative redistricting 2 occurs, some of those voters may end up moving from 3 one district to another; is that fair? 4 A. Yes, sir. 5 Q. And is it your testimony today that each 6 county is responsible for updating those records? 7 A. Yes, sir. 8 Q. Those -- all right. Your office, the 9 Secretary of State's office, does not have 10 responsibility to update those; is that right? 11 A. No, sir. 12 Q. Do you have any kind of supervising 13 responsibility with respect to what the individual 14 counties are doing in that process? 15 A. No, sir, we don't have oversight. 16 Q. Do you have the ability to monitor 17 whether the counties have completed that process? 18 A. We do have access to SEMS. 19 Q. And through that access to SEMS, are you 20 able to determine whether or not a county has 21 updated its records to reflect new districts when 22 redistricting occurs? 23 A. We can view address libraries and what 24 addresses those districts are associated with. 25 Q. All right. So if you look back at what</p>	<p style="text-align: right;">Page 40</p> <p>1 processes, and procedures, as well as the time and 2 staff required, for allocating voters to their 3 districts by updating district information in 4 Mississippi's voter registration database, and for 5 requesting or mailing any notice or voter 6 information cards to voters including their precinct 7 information." 8 And then "b. Policies, processes, and 9 procedures, as well as time and staff required, for 10 preparing the information to be printed on ballots; 11 for proofing, revising, printing, and sending 12 ballots, absentee ballots, and Uniformed Overseas 13 Citizens Absentee Voting Act ballots; and for 14 qualifying candidates for office." 15 There's a whole lot of stuff there, and 16 you're going to be the designee with respect to all 17 of these; right? 18 A. Yes, sir. 19 MR. BECKETT: Well -- 20 BY MR. LAVELLE: 21 Q. What we've just been asking about really 22 relates to this topic, and I think I understand your 23 testimony, but I want to make sure I've got it. 24 Your testimony today is that this process of 25 allocating voters to their districts by updating the</p>
<p style="text-align: right;">Page 39</p> <p>1 we marked as Exhibit 2. 2 MR. LAVELLE: Let's pull that back up. 3 MR. BECKETT: Not Tab 2, Exhibit 2, which 4 was the -- 5 Pardon me, John, he was looking at the 6 wrong thing. 7 MR. LAVELLE: That's all right. 8 MR. BECKETT: Not Tab 2, Exhibit 2. 9 MR. LAVELLE: It's Tab 1B in the binder. 10 MR. BECKETT: Yeah, there weren't any 11 tabs on 1. That's okay. We've got it now. 12 MR. LAVELLE: Okay. We've all got -- 13 we're at the same page now? 14 BY MR. LAVELLE: 15 Q. We are now at what was identified as 16 Exhibit 2 for identification in this deposition, was 17 actually Exhibit A to the notice of deposition, and 18 it's the list of topics for your deposition today. 19 All right. We've got that in front of you, 20 Mr. Kirkpatrick? 21 A. Yes, sir. 22 Q. So topic 1 is "Policies, procedures 23 regulations, guidance, and training regarding the 24 implementation of new state legislative district 25 maps, including but not limited to: a. Policies,</p>	<p style="text-align: right;">Page 41</p> <p>1 district information in the voter registration 2 database, that's really done on an individual 3 county-by-county basis by officials in the counties; 4 correct? 5 A. Yes, sir. 6 Q. That is not done by your office, the 7 Secretary of State's office? 8 A. Correct. We provide training. 9 Q. And can you describe for us what training 10 you provide to local county state election officers 11 as to how to do this? 12 A. The training that is given is how to 13 update those address libraries in SEMS to reflect 14 the -- what is required by redistricting legislation 15 or local board supervisor orders. 16 Q. Ms. Lennep testified during her 17 deposition about such trainings that she has 18 presented. Are you aware that Ms. Lennep has 19 performed such trainings for local election 20 officials? 21 A. Yes, sir. 22 Q. Is Ms. Lennep, generally, designated by 23 the Secretary of State's office as the go-to person 24 for conducting these trainings? 25 A. Yes, sir.</p>

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<p style="text-align: right;">Page 42</p> <p>1 Q. So in connection with the 2022</p> <p>2 redistricting process, Ms. Lennep was responsible</p> <p>3 for doing the training; correct?</p> <p>4 MR. BECKETT: Object to the form.</p> <p>5 THE WITNESS: Yes, sir.</p> <p>6 BY MR. LAVELLE:</p> <p>7 Q. How was that training conducted? Was it</p> <p>8 done in person or by Zoom or video?</p> <p>9 A. It was done largely in person with</p> <p>10 PowerPoint, but there were also some videos created</p> <p>11 along with some slides that could be sent to clerks</p> <p>12 to review.</p> <p>13 MR. LAVELLE: Let's mark as the next</p> <p>14 exhibit the document that's at Tab 2 in the binder.</p> <p>15 EXHIBIT TECH: This is Exhibit 4.</p> <p>16 (Exhibit 4 marked for identification.)</p> <p>17 BY MR. LAVELLE:</p> <p>18 Q. All right. We marked as Exhibit 4</p> <p>19 PowerPoint presentations that were -- that we found</p> <p>20 online, I believe. Have you ever seen these before?</p> <p>21 A. I believe I have seen these in looking at</p> <p>22 older training manuals.</p> <p>23 Q. And what do you understand these to be?</p> <p>24 A. They appear to be PowerPoint</p> <p>25 presentations for election commissioner orientation.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. All right. We have marked for</p> <p>2 identification as Exhibit 5 another PowerPoint that</p> <p>3 we found online. It is titled "SEMS Update,</p> <p>4 Redistricting and New Features, ECAM Convention</p> <p>5 2011, Presented by Madalan Lennep, PMP," and it's</p> <p>6 got the Secretary of State's office name and logo at</p> <p>7 the bottom.</p> <p>8 Do you recognize this document, sir?</p> <p>9 A. Yes.</p> <p>10 Q. What is it?</p> <p>11 A. It appears to be an update presentation,</p> <p>12 update presentation from an older ECAM convention.</p> <p>13 Q. An ECAM convention is a convention of</p> <p>14 those county election officials we mentioned</p> <p>15 earlier?</p> <p>16 A. Yes, sir.</p> <p>17 Q. ECAM stands for election commission?</p> <p>18 A. Election Commissioners Association</p> <p>19 meeting.</p> <p>20 Q. And your office provides training</p> <p>21 programs at those ECAM conventions when they occur;</p> <p>22 correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. This appears to be dated 2011. Would you</p> <p>25 agree with me?</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Election commissioner is the title for a</p> <p>2 local county election official; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. Each county has several election</p> <p>5 commissioners who have responsibility for conducting</p> <p>6 elections within their county; is that correct?</p> <p>7 A. That's correct.</p> <p>8 Q. There are five election commissioners per</p> <p>9 county; is that correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And your office, the Secretary of State's</p> <p>12 office, provides periodic training programs for</p> <p>13 those election commissioners; is that right?</p> <p>14 A. That's correct.</p> <p>15 Q. And this PowerPoint is an example of the</p> <p>16 type of PowerPoints that are used in those training</p> <p>17 sessions by your office for the election</p> <p>18 commissioners; correct?</p> <p>19 A. It appears to be, yes, sir.</p> <p>20 MR. LAVELLE: Let's go to the next</p> <p>21 exhibit, please, Tab 3 in the binder. We'll mark</p> <p>22 that as the next exhibit.</p> <p>23 (Exhibit 5 marked for identification.)</p> <p>24 EXHIBIT TECH: This is Exhibit 5.</p> <p>25 BY MR. LAVELLE:</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Yes, sir.</p> <p>2 Q. So it predates your involvement, but</p> <p>3 would you agree with me that it is typical of the</p> <p>4 type of PowerPoint that's used in training programs</p> <p>5 by the Secretary of State's office on SEMS</p> <p>6 redistricting?</p> <p>7 A. Yes, sir. I mean, it was from 2011, but</p> <p>8 we typically use PowerPoint presentations.</p> <p>9 Q. All right. Have you seen the current</p> <p>10 version of this PowerPoint?</p> <p>11 A. I don't recall seeing this version.</p> <p>12 Q. All right. Have you ever seen this</p> <p>13 before?</p> <p>14 A. This 2011 ECAM orientation?</p> <p>15 Q. Yes.</p> <p>16 A. No, sir, I don't recall ever seeing it</p> <p>17 before.</p> <p>18 Q. Are you familiar, generally, with the</p> <p>19 steps that have to be performed by the county</p> <p>20 election officials in connection with redistricting?</p> <p>21 A. I'm aware generally of some of the steps</p> <p>22 that need to be taken, yes, sir.</p> <p>23 Q. All right. So what are those steps that</p> <p>24 need to be taken? And if you need to refer to this</p> <p>25 PowerPoint in order to be able to answer that, feel</p>

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<p style="text-align: right;">Page 46</p> <p>1 free to do that.</p> <p>2 A. Just generally aware that the counties</p> <p>3 will receive a map or addresses and that they will</p> <p>4 then go into SEMS to make updates to those address</p> <p>5 libraries and those address ranges in order to</p> <p>6 reflect what the redistricting map or order of</p> <p>7 legislation requires.</p> <p>8 Q. In this PowerPoint, Ms. Lennep described</p> <p>9 that there was certain preparation that needed to be</p> <p>10 done of records prior to actually doing the</p> <p>11 redistricting update, cleaning up nonstandard</p> <p>12 addresses and the like. Are you familiar with those</p> <p>13 steps?</p> <p>14 A. I can see that here. I leave the</p> <p>15 training to Madalan on how to perform the</p> <p>16 redistricting, or all the detail steps that are</p> <p>17 needed.</p> <p>18 Q. Right. And then Ms. Lennep has a series</p> <p>19 of PowerPoint slides in here that go over, point by</p> <p>20 point, what the steps are in order to update the</p> <p>21 records in SEMS for -- to reflect new districts;</p> <p>22 correct?</p> <p>23 A. Yes, at the time this was created, yes,</p> <p>24 sir.</p> <p>25 Q. And you'd defer to Ms. Lennep's</p>	<p style="text-align: right;">Page 48</p> <p>1 A. There's a practical limitation in SEMS</p> <p>2 that requires redistricting be done for -- once an</p> <p>3 election is created in SEMS, it prevents changes</p> <p>4 from being made.</p> <p>5 Q. All right. Can you explain to me what</p> <p>6 you mean by that?</p> <p>7 A. So in SEMS, once an election is created</p> <p>8 in the statewide election management system, it will</p> <p>9 prevent certain changes from being made as to so it</p> <p>10 doesn't affect absentee balloting, things like that.</p> <p>11 So any redistricting would need to be completed</p> <p>12 before an election and ballots are generated in</p> <p>13 SEMS.</p> <p>14 Q. When does that deadline occur, when the</p> <p>15 SEMS database is set and can't be updated?</p> <p>16 A. Counties create their own elections in</p> <p>17 the statewide election management system.</p> <p>18 Generally, in order to comply with various laws,</p> <p>19 that needs to be done in advance of absentee voting</p> <p>20 so ballot styles can be generated and UOCAVA and</p> <p>21 absentee ballots can be prepared. So more -- at</p> <p>22 least more than 45 days out from an election.</p> <p>23 Q. Absentee ballots become available</p> <p>24 beginning 45 days prior to an election; is that</p> <p>25 right?</p>
<p style="text-align: right;">Page 47</p> <p>1 PowerPoint and her testimony about what those steps</p> <p>2 are; is that fair?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Do you have an understanding of how long</p> <p>5 this process takes?</p> <p>6 A. My understanding is it can take a varying</p> <p>7 ability of time depending on the difficulty of the</p> <p>8 lines, what is provided to the local counties can</p> <p>9 affect how long it takes to actually complete this</p> <p>10 process.</p> <p>11 Q. So it's dependent to some degree on how</p> <p>12 extensive the changes are; is that fair?</p> <p>13 A. That's my understanding.</p> <p>14 Q. The more extensive the changes are, the</p> <p>15 more work will have to be done by individual county</p> <p>16 officials and presumably the longer that process</p> <p>17 will take; correct?</p> <p>18 A. That's my understanding.</p> <p>19 MR. LAVELLE: All right. We can take</p> <p>20 this exhibit down.</p> <p>21 BY MR. LAVELLE:</p> <p>22 Q. Does your office, the Secretary of</p> <p>23 State's office, set any standards that are to be</p> <p>24 followed by the county election officials in terms</p> <p>25 of timing to complete redistricting work?</p>	<p style="text-align: right;">Page 49</p> <p>1 A. Yes, sir.</p> <p>2 Q. Is it an earlier date for military?</p> <p>3 A. No, sir. 45 days.</p> <p>4 Q. What is the registration deadline for a</p> <p>5 voter prior to an election?</p> <p>6 A. 30 days prior to an election.</p> <p>7 Q. So how does that registration deadline</p> <p>8 jive with respect to setting the SEMS for an</p> <p>9 election? Obviously there is a 15-day window there</p> <p>10 between that 45-day date that you gave earlier and</p> <p>11 the 30-day registration cutoff.</p> <p>12 MR. BECKETT: Object to the form.</p> <p>13 THE WITNESS: Do you mind asking that</p> <p>14 question again? I don't quite understand what</p> <p>15 you're asking.</p> <p>16 BY MR. LAVELLE:</p> <p>17 Q. It was a very bad question,</p> <p>18 Mr. Kirkpatrick, so I'm going to try to ask you a</p> <p>19 better one. How about that?</p> <p>20 A. Yes, sir.</p> <p>21 Q. So a voter has until 30 days prior to an</p> <p>22 election in order to register to vote; correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. So that means that, if an election is</p> <p>25 going to be held on November 1, say 30 days prior to</p>

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<p style="text-align: right;">Page 50</p> <p>1 that would typically be the deadline for voter 2 registration; is that right? 3 A. Yes, sir. 4 Q. When a voter registers, how long does it 5 take for their registration information to get into 6 the SEMS database? 7 A. That can depend on the workload of the 8 county circuit clerk's office. They are the ones 9 who register the voters. So there is a two-week 10 window in which they have to have that entered. But 11 the amount of time it can take can fluctuate 12 depending on staff at the office as well as what's 13 exactly going on that week due to the amount of 14 additional work circuit clerks may have. 15 Q. It's not unusual to have a large number 16 of registrations right up on a deadline, especially 17 for a major election; is that correct? 18 MR. BECKETT: Object to the form. 19 THE WITNESS: We do typically see an 20 increase in voter registration getting close to 21 major elections, yes, sir. 22 BY MR. LAVELLE: 23 Q. So, for example, in 2020, which was a 24 presidential election, you would have experienced a 25 large number of registrations up to and on the</p>	<p style="text-align: right;">Page 52</p> <p>1 receives some mail-in registration requests; 2 correct? 3 A. That's correct. 4 Q. What happens if the county doesn't make 5 the deadline? 6 A. What do you mean? 7 Q. I mean is there any -- are there any 8 consequences? Is there a penalty? Does the 9 election get delayed? What happens, if anything, if 10 the county doesn't make that deadline? 11 A. Well, anybody who sends an application 12 and needs to be duly registered can. There are 13 some, I believe, criminal penalties if the clerk 14 does not register somebody who is duly qualified to 15 register to vote. So that would have to be a 16 deference to an DA or an AG about what may or may 17 not occur. 18 Q. But typically the goal would be for the 19 voter to be able to vote, even if their registration 20 was not processed; correct? 21 A. Yes, sir. Mississippi has affidavit 22 ballots where if a person goes and believes they 23 should be registered to vote and are not on the 24 rolls, they can complete an affidavit ballot and the 25 election officials can review that affidavit ballot</p>
<p style="text-align: right;">Page 51</p> <p>1 deadline for registration; correct? 2 A. Yes, sir. 3 Q. Now, you mentioned a two-week window for 4 the counties to get things done. Can you explain 5 how that works? 6 A. Just, by law, a mail-in voter 7 registration application, the clerk has to process 8 that within two weeks of receipt. So if something 9 is received on the deadline, they have two weeks to 10 get that entered into SEMS. 11 Q. So that would mean that roughly 16 days 12 before the actual election, all of that voter 13 information should be entered, is that -- that's 14 what happens if the law is followed; correct? 15 A. That's correct. There could be delays in 16 postage, mail-in voter registration applications 17 could be delayed so they may be processed later into 18 that 16-week, but if something is received on the 19 deadline day, then about 16 days, yes, sir. 20 Q. So that 30-day registration deadline that 21 you mentioned earlier, is that a postmarked date or 22 a received date? 23 A. For mail-in, it is postmarked. 24 Q. So it may be several days after the 25 30-day deadline when the county office actually</p>	<p style="text-align: right;">Page 53</p> <p>1 and review if any application should have been 2 entered into SEMS then accept or reject that ballot 3 based on those circumstances. 4 Q. So an affidavit ballot is a provisional 5 ballot essentially; is that correct? 6 A. Yes, sir. 7 Q. The way we got into this timing was 8 talking about what you said was a 45-day prior to 9 election deadline for counties to complete creating 10 their own elections. And I'm curious as to how that 11 could be the deadline if you have people still 12 registering closer to the election date than 13 45 days. 14 A. I'm a little confused about the question. 15 Q. Sure. Well, you said the counties have 16 to have their elections set 45 days prior to an 17 election; is that right? 18 A. Yes, sir. 19 Q. What do you mean by they have to have 20 their elections set? 21 A. So a creation of an election in SEMS is 22 creation of what is going to be on the ballot, 23 important deadlines such as absentee voting, voter 24 registration deadlines, what will be the areas that 25 will be in that election, such as precincts. So</p>

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<p style="text-align: right;">Page 54</p> <p>1 that is set in time enough where ballots can be 2 generated based on the precincts in SEMS and the 3 districts associated with those precincts and 4 districts and those voters so that proper ballots 5 can be prepared in time for absentee voting. 6 Q. Would you agree with me that, regularly, 7 individual voter records are updated closer to 8 elections than that 45-day deadline; correct? 9 A. Yes, and they will be updated in SEMS at 10 the address they registered at. 11 Q. So if someone, for example, files a 12 change of address, that could be processed and it 13 could be moved to their new district; is that right? 14 A. Yeah. Depending on some of the time 15 frames and what's occurring, they could be moved to 16 a new address. 17 Q. What's the deadline for someone to change 18 their address prior to an election, or is there one? 19 A. It depends what type of address change 20 we're talking about. 21 Q. Okay. Can you explain how it varies 22 depending on what kind of address change it is? 23 A. A moving from one county to another will 24 be a 30-day deadline. If it is a intra-county 25 change, then that be made within the 30-day deadline</p>	<p style="text-align: right;">Page 56</p> <p>1 true whether or not redistricting occurs; right? 2 A. Yes, sir. Absentee ballots are required 3 to be available 45 days before an election 4 regardless of whether redistricting has occurred or 5 not. 6 Q. And that's a standard that's set by state 7 law; correct? 8 A. State and federal law, UOCAVA is federal. 9 MR. BECKETT: I'm sorry. The court 10 reporter is asking a question. U-O-C-A-V-A. 11 BY MR. LAVELLE: 12 Q. When redistricting is done, does your 13 office conduct any supervision of the way the 14 counties are updating their records in SEMS? 15 A. We provide training but we don't have 16 oversight over the counties. 17 Q. Do you have any policies that you have 18 implemented with respect to redistricting, in terms 19 of making sure that SEMS has been updated? 20 A. No, sir. Once again, we provide the 21 training, but it's on the counties to make those 22 entries into the system. 23 Q. No regulations that the Secretary of 24 State has adopted with respect to updating records 25 in connection with redistricting?</p>
<p style="text-align: right;">Page 55</p> <p>1 because that person is already a registered voter of 2 that county. 3 MR. BECKETT: Hey, John, when you get to 4 a natural stopping point, can we take a short break? 5 MR. LAVELLE: Sure. Now is a fine time. 6 MR. BECKETT: I don't want to push you. 7 If now is a good time, then let's take a quick 8 break. 9 MR. LAVELLE: That's absolutely fine. 10 Let's do that. 11 THE VIDEOGRAPHER: The time is 10:02 a.m. 12 We are off the record. 13 (Off the record.) 14 THE VIDEOGRAPHER: We're back on record 15 at 10:14 a.m. 16 BY MR. LAVELLE: 17 Q. All right. Mr. Kirkpatrick, before we 18 took the break, we were discussing the process for 19 counties to update their records in connection with 20 elections. And you told a deadline of at least 21 45 days prior to an election for an individual 22 county to get things set in SEMS for an election; 23 correct? 24 A. Yes, sir. 25 Q. That's true -- that 45-day deadline is</p>	<p style="text-align: right;">Page 57</p> <p>1 A. Just the processes in SEMS on how that 2 needs to be done. 3 Q. All right. And we looked earlier in your 4 deposition of the PowerPoint that's typical of the 5 type of PowerPoints that Ms. Lennep has presented to 6 election officials on those steps; right? 7 A. Yes, sir. 8 Q. Is there anything else other than that 9 that your office has generated to provide to 10 election officials on this process, on the 11 redistricting process? 12 A. Make sure I understand the question 13 correctly. Are you asking is there anything in 14 addition to this 2011 PowerPoint presentation? 15 Q. Well, you've done more recent PowerPoints 16 than that; correct? 17 A. Yes, sir. 18 Q. Right. They are done on a periodic 19 basis, I would assume? 20 A. Yes, sir. 21 Q. And there was a version of that, which I 22 don't have it to put in front of you, but there was 23 a version of that PowerPoint that would have been 24 done in connection with the 2022 redistricting; 25 right?</p>

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<p style="text-align: right;">Page 58</p> <p>1 A. Yes, sir.</p> <p>2 Q. And to the best of your knowledge,</p> <p>3 Ms. Lennep conducted the training of county election</p> <p>4 officials in connection with the 2022 redistricting?</p> <p>5 A. Yes, sir.</p> <p>6 Q. You're aware that that happened although</p> <p>7 you yourself were not a participant in that</p> <p>8 training?</p> <p>9 A. No, sir, I did not conduct that training.</p> <p>10 Q. All right. Other than that training, is</p> <p>11 there any other type of guidance, whether formal or</p> <p>12 informal, that's provided by the Secretary of State</p> <p>13 to county officials on how to update the records</p> <p>14 when redistricting occurs?</p> <p>15 A. No, sir, we would just provide that</p> <p>16 training and remind counties of that deadline for</p> <p>17 entering information into SEMS.</p> <p>18 Q. How do you know if they got it right?</p> <p>19 MR. BECKETT: Object to the form.</p> <p>20 THE WITNESS: We don't review the lines</p> <p>21 to make sure they got them right. We don't have</p> <p>22 that type of oversight authority.</p> <p>23 BY MR. LAVELLE:</p> <p>24 Q. So that's up to -- a challenge for a</p> <p>25 court to address. Is that what is to happen?</p>	<p style="text-align: right;">Page 60</p> <p>1 A. I believe the call was from a Madison</p> <p>2 County voter who looked at the redistricting maps</p> <p>3 that we linked to on our website who typed in their</p> <p>4 address and got information from the redistricting</p> <p>5 map that was not matching by election day. So they</p> <p>6 called our office, and we just passed that along to</p> <p>7 Madison County circuit clerk for them to review and</p> <p>8 make sure everything was correct.</p> <p>9 Q. Do you know whether the Madison County</p> <p>10 circuit clerk corrected the record?</p> <p>11 A. I believe it was corrected.</p> <p>12 Q. And how do you know that that was</p> <p>13 corrected?</p> <p>14 A. I believe the voter called back and said</p> <p>15 that the county circuit clerk had given them a call.</p> <p>16 Q. So in that particular circumstance that</p> <p>17 you just described, your office did assist in</p> <p>18 getting the record corrected, although didn't have</p> <p>19 any formal authority to require it to be done; is</p> <p>20 that fair?</p> <p>21 A. We passed along the call and let the</p> <p>22 Madison County circuit court know that there may be</p> <p>23 an issue and just to go back and look at the records</p> <p>24 to see if there was an issue.</p> <p>25 Q. Were there any other mistakes that</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Could you repeat that? I don't know if</p> <p>2 it maybe cut out for a second.</p> <p>3 Q. Sure. If there's a problem with the way</p> <p>4 that the county officials have done that</p> <p>5 redistricting work, your office does not have any</p> <p>6 ability to compel them to do it; is that fair?</p> <p>7 A. Yes, sir. That would be the subject of</p> <p>8 the judicial challenge of the election.</p> <p>9 Q. It would have to be challenged in some</p> <p>10 other way, maybe by a voter or maybe in some other</p> <p>11 court proceeding, but it wouldn't be involving the</p> <p>12 Secretary of State's office; correct?</p> <p>13 A. That's correct.</p> <p>14 Q. Are you aware of any time that your</p> <p>15 office has learned that county officials made</p> <p>16 mistakes in the process of drawing -- of</p> <p>17 redistricting?</p> <p>18 A. Yes, sir.</p> <p>19 Q. When has that occurred?</p> <p>20 A. I believe this past cycle, there were</p> <p>21 some mistakes made.</p> <p>22 Q. How did your office become aware of those</p> <p>23 mistakes?</p> <p>24 A. Calls from a voter.</p> <p>25 Q. Can you cite any specific examples?</p>	<p style="text-align: right;">Page 61</p> <p>1 occurred in the most recent redistricting that</p> <p>2 you're aware of?</p> <p>3 A. I believe there was also issue in Yazoo</p> <p>4 County in which a senate district was not -- there</p> <p>5 may be issues with the senate district, and we</p> <p>6 passed along that information to the circuit clerk</p> <p>7 as well to review the information and make sure --</p> <p>8 go through and review all of the information to make</p> <p>9 sure they had the lines entered correctly.</p> <p>10 Q. The issue that occurred in Madison</p> <p>11 County, how close was that to the election?</p> <p>12 A. I can't recall how close it was.</p> <p>13 Q. Was it within that 45-day window that you</p> <p>14 described?</p> <p>15 A. I believe so.</p> <p>16 Q. Closer than that?</p> <p>17 A. I believe it was within the 45 days.</p> <p>18 Q. How about the Yazoo County mistake that</p> <p>19 you described? Was that within the 45 days as well?</p> <p>20 A. I believe so.</p> <p>21 Q. Do you know whether both of those</p> <p>22 mistakes were corrected prior to election day?</p> <p>23 A. I believe they were both corrected.</p> <p>24 Q. Any other mistakes that you're aware of</p> <p>25 that occurred in the most recent redistricting that</p>

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<p style="text-align: right;">Page 62</p> <p>1 had to be addressed?</p> <p>2 A. I believe there were issues in Hinds</p> <p>3 County as well.</p> <p>4 Q. What happened in Hinds County?</p> <p>5 A. I believe just there were some voters not</p> <p>6 properly assigned to the correct district.</p> <p>7 Q. How many?</p> <p>8 A. I don't know the full extent.</p> <p>9 Q. What happened with respect to those</p> <p>10 voters?</p> <p>11 A. I believe those voters were properly</p> <p>12 moved to the correct district by the circuit clerks</p> <p>13 office.</p> <p>14 Q. Do you recall whether the Hinds County</p> <p>15 mistake came to your office's attention within that</p> <p>16 45-day window?</p> <p>17 A. I believe it came to our attention on</p> <p>18 election day.</p> <p>19 Q. So how is that corrected on election day?</p> <p>20 A. Voters can cast an affidavit ballot for</p> <p>21 their correct district. If they believe they should</p> <p>22 be voting in one district and not the other, they</p> <p>23 can cast an affidavit ballot, and those records can</p> <p>24 be reviewed by the proper officials afterwards.</p> <p>25 Q. So your understanding is that some number</p>	<p style="text-align: right;">Page 64</p> <p>1 made in each of those examples.</p> <p>2 Q. Does your office have any communications</p> <p>3 with county officials in connection with the</p> <p>4 redistricting process?</p> <p>5 MR. BECKETT: The technology failed us a</p> <p>6 little bit there. You cut out, John.</p> <p>7 MR. LAVELLE: Okay. I'm sorry about</p> <p>8 that.</p> <p>9 Q. Does your office have any communications</p> <p>10 with county officials when redistricting starts</p> <p>11 about the need to update their records?</p> <p>12 A. If they have technical questions, we have</p> <p>13 a help desk that they can call and ask questions if</p> <p>14 they need technical help getting that put in.</p> <p>15 Q. How do the individual counties receive</p> <p>16 the updated district information?</p> <p>17 A. I believe they receive that from PEER.</p> <p>18 Q. Your office is not involved in that?</p> <p>19 A. I don't believe we transport -- provide</p> <p>20 that information. We do have a link on our website</p> <p>21 of the redistricting maps that anybody, including</p> <p>22 the general public, can go look that links to the</p> <p>23 PEER's maps. But as far as a formal transmission to</p> <p>24 the county, I believe that's PEER's?</p> <p>25 Q. And your office does not set any standard</p>
<p style="text-align: right;">Page 63</p> <p>1 of voters in Hinds County were required to vote by</p> <p>2 affidavit ballot in order to be able to vote for the</p> <p>3 correct state legislator?</p> <p>4 A. Yeah. My understanding is there was an</p> <p>5 mistake made and voters weren't assigned to the</p> <p>6 correct district.</p> <p>7 Q. And you don't know the number of voters?</p> <p>8 A. No, sir.</p> <p>9 Q. More than a hundred?</p> <p>10 A. I can't say I know the number.</p> <p>11 Q. All right. So we've identified three</p> <p>12 mistakes that occurred during the last</p> <p>13 redistricting, certainly not unprecedented for that</p> <p>14 to happen; right?</p> <p>15 A. It's a complicated procedure so sometimes</p> <p>16 there are human errors made.</p> <p>17 Q. All right. Any other mistakes that</p> <p>18 occurred that you're aware of in the most recent</p> <p>19 redistricting?</p> <p>20 A. Those are the three that I can recall.</p> <p>21 Q. And would it be fair to say that, one way</p> <p>22 or another, in each of those instances, they were</p> <p>23 corrected by the county officials and voters were</p> <p>24 able to vote in the correct districts?</p> <p>25 A. Yeah. I believe the corrections were</p>	<p style="text-align: right;">Page 65</p> <p>1 for how long it should take an individual county to</p> <p>2 update their records to reflect new legislative</p> <p>3 districts; is that right?</p> <p>4 A. Other than the practical deadline I</p> <p>5 already mentioned in SEMS on having those lines put</p> <p>6 in so the election can be properly built 45 days</p> <p>7 before the election, that is the extent of any, I</p> <p>8 guess, requirements that may be put in place.</p> <p>9 Q. And you don't set any -- your office does</p> <p>10 not set any earlier or different deadline for the</p> <p>11 individual counties to work against; is that fair?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Does your office have involvement in</p> <p>14 sending voter information cards to voters, including</p> <p>15 their precinct information?</p> <p>16 A. No, sir.</p> <p>17 Q. Who does that?</p> <p>18 A. The county circuit clerk.</p> <p>19 Q. Does your office set any policies or</p> <p>20 procedures or how that's supposed to be done?</p> <p>21 A. There are statutory requirements for how</p> <p>22 that needs to be done about sending those voter</p> <p>23 registration cards and other processes in SEMS to</p> <p>24 allow for that. We don't have any other procedures.</p> <p>25 Q. So the counties are required by state law</p>

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<p style="text-align: right;">Page 66</p> <p>1 to provide those information cards to voters, and 2 your office does not have any additional or 3 different requirements that have been set by 4 regulation, policy, procedure, what have you; is 5 that fair? 6 MR. BECKETT: Object to the form. 7 THE WITNESS: That's correct. We have 8 the voter registration card procedure set in SEMS to 9 allow for that to be sent out, but the requirements 10 are set forth in state statutes. 11 BY MR. LAVELLE: 12 Q. Does your office provide training to 13 county officials on how those are supposed to be 14 generated and sent out? 15 A. We provide general SEMS training on a lot 16 of functionality in SEMS that would include voter 17 registration processes. 18 Q. And that's that training that Ms. Lennep 19 provides on a periodic basis? 20 A. That's correct. 21 Q. Does your office have any ability to 22 supervise or review ballots that are prepared by 23 individual counties for elections? 24 A. Yes, sir. 25 Q. Describe for us, please, what role your</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Yes, sir. 2 Q. And when you said in your previous answer 3 that the Secretary of State's office builds the 4 elections in SEMS, can you give us more detail as to 5 what exactly you're referring to there? 6 A. Yes, sir. Similar to how counties will 7 build the specific county election, we will build 8 the statewide and state district elections, which is 9 inserting the key dates, such as voter registration 10 deadlines, absentee voting deadlines and insert the 11 qualified candidates into SEMS so that ballots can 12 be created, information can be provided to the 13 various voting machine vendors to generate scannable 14 ballots and we can export a sample ballot from SEMS 15 to be signed off on by the State Board of Election 16 Commissioners. 17 Q. How long does that process take? 18 A. It can vary. 19 Q. Can you give us a range of the high and 20 the low? 21 A. Low can sometimes be a presidential year. 22 For example, if only presidential and congressional 23 candidates are on the ballot, that right there is 24 five offices. Highs are actually the statewide 25 years because of the number of offices -- you have</p>
<p style="text-align: right;">Page 67</p> <p>1 office has in reviewing the proposed ballots for 2 elections. 3 A. So once an election is created and the 4 candidates have been qualified, the SBEC for 5 statewide elections and state district elections 6 will approve the ballot. So prior to that, the 7 Secretary of State's office will -- we build the 8 statewide and state district elections in SEMS and 9 will push those down to counties, meaning we will 10 insert the statewide, state district, which includes 11 legislative candidates, into SEMS, generate a sample 12 ballot. We will review that for names and make sure 13 the candidates qualify with SBEC on that and provide 14 that to the SBEC for qualification and approval. 15 Q. You referred a couple times to the 16 acronym SBEC. What does that stand for? 17 A. Yes, sir. Sorry. State Board of 18 Election Commissioners. 19 Q. And who is the State Board of Election 20 Commissioners? 21 A. The Governor of Mississippi, the Attorney 22 General's office and the Mississippi Secretary of 23 State. 24 Q. All right. So your boss is part of the 25 SBEC?</p>	<p style="text-align: right;">Page 69</p> <p>1 statewide offices, you have state district offices 2 and you have 122 House of Representative and 52 3 Senators and all of the candidates that run for it 4 that need to be reviewed, double-checked, 5 triple-checked for corrections of names because, if 6 you get a name wrong, you will get a phone call from 7 an angry candidate. 8 Q. Who is involved in your office in doing 9 this build-out of the elections? 10 A. Myself, Madalan Lennep and Logan Witcher. 11 Q. So for the most recent election that 12 occurred, that would have been the general election 13 2023. Were you involved in that process? 14 A. Yes, sir. 15 Q. How long did that process take in 2023 16 for the general election? 17 A. I can speak for the Secretary of State's 18 office. I can't speak for the counties and building 19 their ballots and how many hours of review they 20 spent building the local ballots, which was -- it's 21 an addition of adding our ballots on top of the 22 local county officials. 23 For the Secretary of State's, it took 24 probably a couple or a few days' worth of hours in 25 getting the election and then going through and</p>

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<p style="text-align: right;">Page 70</p> <p>1 reviewing all of the names several times for all of</p> <p>2 the offices to make sure everything was correct.</p> <p>3 Q. The couple working days' worth of hours,</p> <p>4 did that occur over a more extended period of time</p> <p>5 on the calendar?</p> <p>6 A. Yes.</p> <p>7 Q. And on the calendar, how long did that</p> <p>8 take?</p> <p>9 A. Probably, I would say that was over a</p> <p>10 span of two weeks maybe, a week or two.</p> <p>11 Q. Did you have visibility into how long</p> <p>12 that process took at the county level?</p> <p>13 A. No. That would be something to -- looked</p> <p>14 at by the county circuit clerks and county election</p> <p>15 commissioners, and that would vary, of course,</p> <p>16 depending on how complicated their ballot is as</p> <p>17 well, with how many local county officials are</p> <p>18 running, how many county district officials are</p> <p>19 running, as well as how many state districts and --</p> <p>20 they may have in that particular county that are</p> <p>21 going to be on the ballot.</p> <p>22 Q. Were you also involved in the same</p> <p>23 process of building the election process in 2022?</p> <p>24 A. Yes, sir.</p> <p>25 Q. So you were involved with respect to the</p>	<p style="text-align: right;">Page 72</p> <p>1 can delay and make that stretch on for much longer,</p> <p>2 depending on localized issues.</p> <p>3 Q. When did the new state legislative</p> <p>4 districts become available?</p> <p>5 A. I believe they were approved by the</p> <p>6 Mississippi legislature at the end of the</p> <p>7 legislative session.</p> <p>8 Q. And that would have been when on the</p> <p>9 calendar?</p> <p>10 A. I believe that was March of 2023 I</p> <p>11 believe was the end of the session.</p> <p>12 Q. Those same legislative districts were</p> <p>13 used in the state primary this year; correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And when was your state primary held in</p> <p>16 2023?</p> <p>17 A. August.</p> <p>18 Q. Do you remember the date in August?</p> <p>19 A. You're going to embarrass me because I've</p> <p>20 already started looking toward the 2024 election. I</p> <p>21 believe it was August 7.</p> <p>22 Q. It's always good to look forward. So no</p> <p>23 embarrassment necessary.</p> <p>24 MR. BECKETT: Hey, John, I think, to save</p> <p>25 us some time, you said earlier it was the 2023</p>
<p style="text-align: right;">Page 71</p> <p>1 new legislative districts?</p> <p>2 A. In 2022, it would have been the</p> <p>3 congressional. I was involved with the new</p> <p>4 congressional districts. Yes, sir.</p> <p>5 Q. And the first election for the new state</p> <p>6 legislative districts was when?</p> <p>7 A. 2023.</p> <p>8 Q. All right. So how did the timing that</p> <p>9 was required for you compare in 2022? How long did</p> <p>10 it take you for the new congressional districts in</p> <p>11 2022?</p> <p>12 A. It was much quicker. We probably got</p> <p>13 that done when -- in about two or three calendar</p> <p>14 days.</p> <p>15 Q. Do you have an understanding, as we sit</p> <p>16 here today, of how long it took individual counties</p> <p>17 to update their records to reflect the new state</p> <p>18 legislative districts when they became available in</p> <p>19 2023?</p> <p>20 A. I do not. I know it was sporadic. There</p> <p>21 are times when counties cannot make changes if they</p> <p>22 have an election open with special elections that</p> <p>23 occurred, municipal special elections that occurred</p> <p>24 that interrupted the processes for counties. So</p> <p>25 things like that can, where a county can't start, it</p>	<p style="text-align: right;">Page 73</p> <p>1 legislative session. I just -- I don't want to --</p> <p>2 so it was 2022 legislative session.</p> <p>3 THE WITNESS: Yes, sorry. 2022</p> <p>4 legislative session.</p> <p>5 MR. BECKETT: Sorry. I was afraid we</p> <p>6 were going to have a bad record.</p> <p>7 THE WITNESS: Sorry.</p> <p>8 BY MR. LAVELLE:</p> <p>9 Q. All right. So it was actually adopted in</p> <p>10 March of 2022. Is that your testimony?</p> <p>11 A. Yes.</p> <p>12 Q. All right. And they had to be in place</p> <p>13 for the primary that was held in August of 2023; is</p> <p>14 that fair?</p> <p>15 A. Yes.</p> <p>16 Q. Were those new state legislative</p> <p>17 districts relevant to any elections that were held</p> <p>18 in 2022?</p> <p>19 A. No, they didn't affect any of the</p> <p>20 congressional redistricting lines. And the lines</p> <p>21 did not go into effect until this cycle. So any</p> <p>22 special elections were held under the previous</p> <p>23 lines.</p> <p>24 MR. LAVELLE: All right. Let's go back</p> <p>25 to Exhibit 2, please, the deposition topic list.</p>

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<p style="text-align: right;">Page 74</p> <p>1 We're now going to look at Number 2 on this list. 2 BY MR. LAVELLE: 3 Q. Do you have that in front of you sir? 4 A. Yes, sir. 5 Q. Again, it's Tab 1B in your book. So 6 Topic 2 for today's deposition is "Voting and voter 7 registration procedures, including but not limited 8 to: A, voting and voter registration requirements 9 and policies, guidance, and regulations related to 10 those requirements, including signature 11 requirements, proof-of-residency requirements, 12 requirements for changes of address, and 13 distinctions between inter- and intra-county moves." 14 And "B, changes to voting or voter 15 registration policies and procedures discussed or 16 planned, and policies, guidance, and regulations 17 related to such changes, for the 2024 election 18 cycle." 19 And you're prepared to answer questions 20 about those topics? 21 A. Yes, sir. 22 Q. So what are the signature requirements, 23 if any, for voter registration? 24 A. A voter must sign a voter registration 25 application.</p>	<p style="text-align: right;">Page 76</p> <p>1 face of the person who's presenting themselves to 2 vote with the picture on the ID. 3 Q. And it's up to individual officials at 4 the polling place to determine whether compliance 5 has occurred with those requirements; is that right? 6 A. Yes, sir. 7 Q. Now, the Secretary of State's office does 8 issue a form of photo ID to those who require one 9 for voting purposes; is that right? 10 A. That's correct. 11 Q. Do you have involvement in that process 12 that is processing and issuing requests for voter 13 ID? 14 A. That does come through the elections 15 division of the Secretary of State's office. 16 Q. How many voter IDs have been issued in 17 the state of Mississippi? Do you have a number? 18 A. I believe at this time 8,962. 19 Q. 8,962 voter IDs of a total registration 20 population of voters of how many? 21 A. There are roughly 1.9 million active 22 voters at the time in Mississippi. 23 Q. You'd agree with me that it's a very 24 small percentage of voters who actually get these 25 voter IDs through your office; is that correct?</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. And who ensures compliance with that 2 requirement? 3 A. The circuit clerks review any voter 4 registration applications that they receive. 5 Q. Is there a comparison done of signatures 6 when individual voters present to vote? 7 A. No, sir. 8 Q. And the polling book that's at the 9 polling place, is there a facsimile of the 10 registration signature? 11 A. No, sir. I don't believe so. 12 Q. All right. So no one has to sign; is 13 that correct? 14 A. They will have to sign a receipt book, 15 but there is no signature comparison at the polling 16 place. 17 Q. There is a voter identification procedure 18 at the polling place; correct? 19 A. That is correct. 20 Q. And what is the voter ID requirement 21 under Mississippi state law? 22 A. A voter must present an acceptable form 23 of photo ID to the poll manager, and that is to 24 verify that the name and the picture is 25 substantially similar to the name and the record and</p>	<p style="text-align: right;">Page 77</p> <p>1 A. Yeah, those are the voters who have 2 requested an application through our office, through 3 the circuit clerk's office. 4 Q. Is that the number that's currently 5 outstanding, or is that the number of requests that 6 have been received? 7 A. Those are the total that have been 8 issued. 9 Q. Over what period of time? 10 A. Since the implementation of voter ID in 11 Mississippi. 12 Q. Does your office keep statistics on the 13 number of voters who were turned away at polling 14 place because of inability to produce photo ID? 15 A. That -- anyone who does not have an 16 acceptable form of photo ID should be provided an 17 affidavit ballot. So that would be kept through the 18 number of affidavit ballots processed by the local 19 election officials for reason of not having 20 acceptable form of photo ID present with them at the 21 polling place. 22 Q. Does an affidavit ballot count if 23 somebody was unable to produce a form of photo ID at 24 the polling place? 25 A. It can. They have five business days to</p>

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<p style="text-align: right;">Page 78</p> <p>1 bring it to the circuit clerk and present an</p> <p>2 acceptable form of photo ID.</p> <p>3 Q. Does your office have access to any</p> <p>4 statistics of the number of people who were turned</p> <p>5 away at the most recent election because they were</p> <p>6 unable to present voter ID?</p> <p>7 A. Once again, we would have information on</p> <p>8 the number of affidavit ballots that were given. We</p> <p>9 wouldn't have any information if someone was turned</p> <p>10 away from the polling place or not. But they should</p> <p>11 have been provided an affidavit ballot.</p> <p>12 Q. There are proof-of-residency requirements</p> <p>13 in -- under Mississippi state law for voter</p> <p>14 registration; correct?</p> <p>15 A. You must be a resident of the district.</p> <p>16 Q. And you need to prove in some way that</p> <p>17 you actually reside in the district; is that</p> <p>18 correct?</p> <p>19 A. For a mail-in application, you'll provide</p> <p>20 a driver's license or social security number, and</p> <p>21 then you may be sent a voter registration card, and</p> <p>22 if that's returned as undeliverable, then that is</p> <p>23 seen as you not living at that address.</p> <p>24 Q. And that's the process under the state</p> <p>25 law that's consistent with federal law; correct?</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Yes, sir. They make those</p> <p>2 determinations.</p> <p>3 Q. Now, you mentioned earlier in your</p> <p>4 testimony that there may be a difference in handling</p> <p>5 between whether a voter is moving within a county or</p> <p>6 between counties.</p> <p>7 Do you remember that testimony, sir?</p> <p>8 A. Yes, sir.</p> <p>9 Q. So if a voter moves from one county to</p> <p>10 another, who is responsible for updating that</p> <p>11 record?</p> <p>12 A. It would be the clerk who received the</p> <p>13 information the latest. So meaning the most recent</p> <p>14 application where that voter moved to would process</p> <p>15 that on SEMS.</p> <p>16 Q. So let's say, for example, a voter moved</p> <p>17 from Madison County to Hinds County and updated</p> <p>18 their driver's license record to reflect the new</p> <p>19 home address. Which county would be responsible for</p> <p>20 updating SEMS in order to reflect that?</p> <p>21 A. If that voter indicated that -- at DPS</p> <p>22 that they would like to register to vote with the</p> <p>23 Hinds County address, then that would be transmitted</p> <p>24 to the Hinds County circuit clerk to process as a</p> <p>25 voter registration application.</p>
<p style="text-align: right;">Page 79</p> <p>1 A. Yes.</p> <p>2 Q. If someone wants to change their address</p> <p>3 of registration, how do they do that?</p> <p>4 A. They can send in a voter registration</p> <p>5 application providing their previous registration</p> <p>6 and their new place of registration. They can --</p> <p>7 which would include going through various NVRA,</p> <p>8 National Voter Registration Act agencies, including</p> <p>9 DPS, or they could use the online voter registration</p> <p>10 update through the Secretary of State's website.</p> <p>11 Q. All right. So your office may have</p> <p>12 involvement in requests for change of address but</p> <p>13 does not necessarily have to; is that fair?</p> <p>14 A. Yes, sir. Some may come through our</p> <p>15 office, but it's not a mandate to go through our</p> <p>16 office to update your registration information.</p> <p>17 Q. Are requests for change of address</p> <p>18 generally handled at the local county level?</p> <p>19 A. That's correct. Any information that</p> <p>20 comes through our website is immediately transmitted</p> <p>21 through SEMS to the local county election officials</p> <p>22 to process and handle.</p> <p>23 Q. And it's those local county officials who</p> <p>24 determine whether or not the requirements for change</p> <p>25 of address have been satisfied; is that fair?</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. And when that happened, would SEMS</p> <p>2 automatically remove the old voter registration in</p> <p>3 Madison County?</p> <p>4 A. If it was designated as a duplicate and</p> <p>5 the Hinds County circuit clerk indicated it was a</p> <p>6 duplicate, then yes. If they did not indicate it</p> <p>7 was a duplicate voter, that registration could be</p> <p>8 left in Madison County, and it would be up to the</p> <p>9 Madison County officials to remove that.</p> <p>10 Q. What involvement, if any, does the</p> <p>11 Secretary of State's office have in the voter</p> <p>12 registration process?</p> <p>13 A. We develop or maintain the statewide</p> <p>14 election management system, which is where voter</p> <p>15 registration is done, and build in the processes as</p> <p>16 required by law and provide the total through SEMS,</p> <p>17 but the actual decision-making process is handled at</p> <p>18 the legal level.</p> <p>19 Q. Are you aware of any changes to voting</p> <p>20 registration policies and procedures that have been</p> <p>21 proposed for the 2024 election?</p> <p>22 A. There have been discussions about online</p> <p>23 voter registration.</p> <p>24 Q. Would that require a change in</p> <p>25 legislation or is that something that could be</p>

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<p>1 implemented by regulation?</p> <p>2 A. That would have to be a legislative</p> <p>3 change. The legislature sets out voter registration</p> <p>4 procedures.</p> <p>5 Q. So the best of your knowledge, there's</p> <p>6 not been any new legislation adopted in Mississippi</p> <p>7 that would change the voter registration, as we sit</p> <p>8 here today on December 20, 2023?</p> <p>9 A. That's correct.</p> <p>10 Q. However, you're aware that there's been</p> <p>11 at least some discussion of the potential to change</p> <p>12 voter registration procedures -- to permit -- is</p> <p>13 that fair?</p> <p>14 MR. BECKETT: Sorry, John, you cut out</p> <p>15 again.</p> <p>16 MR. LAVELLE: Okay.</p> <p>17 BY MR. LAVELLE:</p> <p>18 Q. You're aware that there's been at least</p> <p>19 some discussion of proposed legislation that would</p> <p>20 provide for online voter registration; is that fair?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Has your office done any work in order to</p> <p>23 determine how to do online voter registration in</p> <p>24 connection with the proposed legislation?</p> <p>25 A. I have reviewed what other states have</p>	<p>1 process other than an online option?</p> <p>2 A. That's all that I'm aware of.</p> <p>3 Q. Any changes being contemplated to the</p> <p>4 voting process for the 2024 election cycle that</p> <p>5 you're aware of?</p> <p>6 A. Yes.</p> <p>7 Q. And what are those changes?</p> <p>8 A. A change to absentee voting for those who</p> <p>9 are incarcerated but not convicted of a</p> <p>10 disenfranchising crime.</p> <p>11 Q. And what changes are being contemplated</p> <p>12 for that category of individual?</p> <p>13 A. To allow an express excuse under</p> <p>14 Mississippi absentee voting law for those</p> <p>15 individuals.</p> <p>16 Q. Under current Mississippi absentee ballot</p> <p>17 law, you need a certain excuse in order to vote by</p> <p>18 absentee; is that fair?</p> <p>19 A. Yes, sir.</p> <p>20 Q. You don't have "no excuse" absentee</p> <p>21 balloting, in other words?</p> <p>22 A. That's correct.</p> <p>23 Q. But there has been a proposal to expand</p> <p>24 absentee balloting to include this category of</p> <p>25 individual "incarcerated but not convicted" voters?</p>
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<p>1 done for the event that it does happen in</p> <p>2 Mississippi, how our office may be able to implement</p> <p>3 that as required by law.</p> <p>4 Q. How many other states have adopted online</p> <p>5 voter registration?</p> <p>6 A. I don't know the exact number.</p> <p>7 Q. But several have; correct?</p> <p>8 A. I believe it's multiple, yes, sir.</p> <p>9 Q. And what have you learned from your study</p> <p>10 of the processes that other states have adopted for</p> <p>11 online voter registration?</p> <p>12 A. Generally, there's a requirement that</p> <p>13 there are some matching against an existing state</p> <p>14 database, most commonly a driver's license or</p> <p>15 state-issued ID number in order to allow for online</p> <p>16 registration.</p> <p>17 Q. Have you been asked to review or comment</p> <p>18 on any proposed legislation?</p> <p>19 A. To review some potential legislation,</p> <p>20 yes.</p> <p>21 Q. And would the proposed legislation</p> <p>22 include that type of check against a state database?</p> <p>23 A. Yes.</p> <p>24 Q. Any other proposed changes that are being</p> <p>25 considered potentially in the voter registration</p>	<p>1 A. Yes. Yes, sir. Not convicted of a</p> <p>2 disenfranchising crime.</p> <p>3 Q. Would that require a legislative change?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Do you know whether proposed legislation</p> <p>6 has been prepared on that topic?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Have you reviewed proposed legislation on</p> <p>9 that?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Is your office prepared to implement that</p> <p>12 if it were adopted by the State of Mississippi?</p> <p>13 A. Our office would not implement that.</p> <p>14 That would be -- absentee voting is handled by the</p> <p>15 local election officials, but we would be ready to</p> <p>16 train on any changes in law that would be required.</p> <p>17 Q. Does your office maintain statistics on</p> <p>18 the number of voters who vote by absentee ballot in</p> <p>19 a given election?</p> <p>20 A. Yes, sir. We do receive absentee ballot</p> <p>21 numbers through the statewide election management</p> <p>22 system.</p> <p>23 Q. How many absentee ballots were cast in</p> <p>24 the most recent election?</p> <p>25 A. I'd have to review that number to give</p>

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<p style="text-align: right;">Page 86</p> <p>1 you the exact amount.</p> <p>2 Q. All right. Can you give us an</p> <p>3 approximate or a percentage estimate?</p> <p>4 A. I believe it was close to 50,000 absentee</p> <p>5 ballots.</p> <p>6 Q. And that's for the November 2023 general</p> <p>7 election?</p> <p>8 A. That's correct.</p> <p>9 Q. 50,000, approximately, absentee ballots</p> <p>10 out of how many total ballots cast for that</p> <p>11 election?</p> <p>12 A. There were roughly about 820,000 ballots</p> <p>13 cast, probably a little bit more, but roughly about</p> <p>14 820,000 ballots cast.</p> <p>15 Q. Mississippi does not allow what's</p> <p>16 referred to in some states as early voting; is that</p> <p>17 correct?</p> <p>18 A. That's correct in the sense that "early"</p> <p>19 means "no excuse" absentee voting.</p> <p>20 Q. Polling places does not open on days</p> <p>21 other than -- is that correct?</p> <p>22 MR. BECKETT: The last two words cut out,</p> <p>23 John, for the court reporter.</p> <p>24 BY MR. LAVELLE:</p> <p>25 Q. Polling places for elections are only</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Yes, sir.</p> <p>2 Q. What distinguishes an active from an</p> <p>3 inactive voter?</p> <p>4 A. An active voter is a what I kind of call</p> <p>5 a "run of the mill" voter, what most of your</p> <p>6 electorate is going to be. It's someone who will</p> <p>7 show up at a poll on election day. An inactive</p> <p>8 voter is a person who we have received some kind of</p> <p>9 indication that they no longer live there, most</p> <p>10 commonly by returned jury summons. And under the</p> <p>11 NVRA, they have been sent a confirmation card to</p> <p>12 inquire whether they were there. When they are sent</p> <p>13 that confirmation card, they are made inactive.</p> <p>14 Those voters will have to vote by affidavit ballot</p> <p>15 at the precinct associated with their current</p> <p>16 address.</p> <p>17 Q. If that happens, does their voting record</p> <p>18 get updated to reflect their new address?</p> <p>19 A. If they cast an affidavit ballot and, on</p> <p>20 that affidavit ballot, on the envelope, they put</p> <p>21 their new address, then yes, after the election, the</p> <p>22 local election officials should be updating their</p> <p>23 address with the new address placed on that</p> <p>24 affidavit ballot envelope.</p> <p>25 Q. And in that circumstance, you expect the</p>
<p style="text-align: right;">Page 87</p> <p>1 open on election day; correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Does the Secretary of State's office do</p> <p>4 anything to encourage voter registration?</p> <p>5 A. Yes, sir.</p> <p>6 Q. What does your office do to encourage</p> <p>7 voter registration?</p> <p>8 A. We provide a voter registration toolkit.</p> <p>9 So anybody who would like to host a voter</p> <p>10 registration drive can. We have hosted several</p> <p>11 voter registration drives, and we also publish</p> <p>12 deadlines through an elections calendar as well as</p> <p>13 through social media, letting voters know of</p> <p>14 upcoming deadlines so they can register to vote and</p> <p>15 have their voice heard.</p> <p>16 Q. Have those efforts been successful, in</p> <p>17 your view?</p> <p>18 A. Yes, we have registered some voters,</p> <p>19 which is always great. And we've raised awareness</p> <p>20 of upcoming elections and let people know when</p> <p>21 deadlines are coming up so they can get registered</p> <p>22 or update their information if necessary.</p> <p>23 Q. Are you aware of a distinction in the</p> <p>24 electronic voter records between active and inactive</p> <p>25 voters?</p>	<p style="text-align: right;">Page 89</p> <p>1 affidavit ballot would count even though the</p> <p>2 person's record was inactive?</p> <p>3 A. It could depend. If they are voting at</p> <p>4 the precinct associated with their address -- with</p> <p>5 their current address, then yes, I would expect that</p> <p>6 to count.</p> <p>7 Q. There may be circumstances where someone</p> <p>8 votes in the wrong polling place and, therefore,</p> <p>9 votes for the wrong race, they are voting for a</p> <p>10 candidate that they are not eligible to vote for; is</p> <p>11 that correct?</p> <p>12 A. That's correct.</p> <p>13 Q. In that circumstance, that ballot or at</p> <p>14 least that part of the ballot would not count?</p> <p>15 A. Yes, the affidavit ballot would be</p> <p>16 rejected.</p> <p>17 Q. Would the ballot be rejected in its</p> <p>18 entirety or only with respect to the particular race</p> <p>19 or races for which that voter was ineligible?</p> <p>20 A. The affidavit ballot is rejected in the</p> <p>21 entirety.</p> <p>22 Q. Okay. So anyone votes for any single</p> <p>23 race that's incorrect, their entire ballot is thrown</p> <p>24 out?</p> <p>25 A. If they vote in a precinct not associated</p>

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<p style="text-align: right;">Page 90</p> <p>1 with their address in affidavit, yes, that ballot is 2 rejected. 3 Q. All right. Going back to Exhibit 2, 4 let's look at Topic 3 for this deposition. 5 "Election-related resource requirements and 6 constraints, including but not limit to: A, the 7 election-related responsibilities of the Secretary 8 of State's office during an election cycle." 9 And "B, the number of polling places that 10 were changed or split from the beginning of the 2020 11 election cycle to present; processes and staffing 12 for changing a polling location; and the 13 availability of polling facilities for upcoming 14 elections." 15 Are you prepared to answer questions on 16 those topics, sir? 17 A. Yes, sir. 18 Q. You testified earlier about the 19 involvement that your office has in preparing for an 20 election that is held. How many individuals in your 21 office are typically involved in preparing for a 22 given election cycle? 23 A. In preparing for state board meetings and 24 approval of the ballots, I talked about earlier, 25 there's typically three individuals involved.</p>	<p style="text-align: right;">Page 92</p> <p>1 report. 2 Q. What kind of information does your office 3 maintain concerning voter participation? 4 A. We will try and keep information on voter 5 turnout. 6 Q. And do you report on voter turnout 7 regularly? 8 A. Yes. That is something we commonly talk 9 about, especially through social media and election 10 alerts, to try and get people more involved by 11 highlighting what voter turnout is. 12 Q. Does your office collect this data based 13 on individual county election records? How do you 14 compile it? 15 A. Generally compile it as a -- at a 16 statewide level. We have done some look at 17 county-by-county voter turnout. 18 Q. So what was the overall voter 19 participation in the most recent general election, 20 the one that was held November 2023? 21 A. I believe that was around 42 percent. 22 Q. Is that typical for state of Mississippi? 23 A. It will depend on the election. Turnout 24 fluctuates depending on what election cycle we are 25 in.</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. And who are those individuals? 2 A. Myself, Madalan Lennep -- I'm sorry, 3 four, my senior attorney as well -- Laura Courtney, 4 my senior attorney, and Logan Witcher, the election 5 compliance officer. 6 Q. Are there any other individuals in the 7 Secretary of State's office who have to be involved 8 in setting up for an election? 9 A. The Secretary of State, in his capacity 10 for the state board of election commission, will 11 obviously be part of the decision to qualify 12 candidates and to approve that ballot. 13 Q. Are you familiar with something called an 14 official recapitulation sheet? 15 A. Yes. 16 Q. What is that? 17 A. That is the form that officially 18 certifies the results for a particular election. 19 Q. Who prepares those official 20 recapitulation sheets? 21 A. For the local elections, they will be 22 completed by the county election commissioners. For 23 the primary, it will be county executive committee. 24 Q. Are they submitted to your office? 25 A. Yes, each county submits a recapitulate</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. If a voter does not show up for voting 2 for a certain number of elections, does their 3 registration turn to inactive? 4 A. Currently, no. There is legislation that 5 will go into effect January 1st that would provide 6 for that. 7 Q. All right. Can you explain to us what 8 that legislation is and what it requires? 9 A. Legislation requires if a person does not 10 vote in a period of four years, then they can be 11 made inactive, and then once inactive, they have two 12 federal general elections or a period containing two 13 federal general elections in which, if they have 14 some kind of contact and they update voter 15 registration or voting affidavits, that they can be 16 placed back on active voter roles. 17 Q. And that will, you expect, be going into 18 effect for the 2024 elections; is that fair? 19 A. Yes, sir. 20 Q. What is your office doing in order to 21 prepare for that new requirement? 22 A. We will be providing training to the 23 local county election officials at upcoming Election 24 Commissioners Association meeting. 25 Q. Is it going to be up to individual</p>

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<p style="text-align: right;">Page 94</p> <p>1 counties to purge the records in order to comply 2 with this new law? 3 A. Local election commissioners are always 4 responsible for voter roll maintenance in 5 Mississippi. 6 Q. So your answer to my question is yes; is 7 that right? 8 A. Yes, the local election officials will be 9 responsible. 10 Q. And will your office have any oversight 11 over how they do that? 12 A. We don't have oversight over local 13 election officials in the performance of their 14 duties. We provide training. 15 Q. You mentioned earlier that your office 16 gathers and reports information on voter 17 participation. Do you track that by different 18 geographic locations? 19 A. As I mentioned previously, we did that 20 by -- we have done that some by counties. So... 21 Q. Are you able to do that based on 22 demographics of voters such as age, gender or race? 23 A. We have dates of birth in the statewide 24 election management system. We do not have any 25 gender information nor racial data.</p>	<p style="text-align: right;">Page 96</p> <p>1 comply with the requirements of state and federal 2 law? 3 A. Yes. 4 Q. Does your office have any role in 5 supervising whether or not the counties have 6 complied with those requirements with respect to 7 individual polling places? 8 A. We don't have oversight authority. 9 Q. Have you ever become aware of any issues 10 with respect to polling places being moved? 11 A. What do you mean by "issues"? 12 Q. Concerns from voters that they didn't 13 know where to vote because their polling place had 14 moved, say? 15 A. Generally, yeah, we have an elections 16 hotline. We will receive calls asking about 17 information about where do I vote. Maybe why was my 18 polling place changed. Things like that. 19 Q. How many polling places have to be 20 provided by a county? 21 A. There is no express limit under law on a 22 minimum amount other than having at least maybe a 23 single one of the -- in each supervisors' districts, 24 but that would be set out by law, so the election 25 code could speak for itself on what that requirement</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. So your office does not attempt to track 2 voter participation based on age or it does? 3 A. We have not done anything that I'm aware 4 of regarding age. 5 Q. And you haven't tried to do it based on 6 gender or race; is that fair? 7 A. That's correct. We don't have that data 8 in SEMS. 9 Q. Do you know how many polling places were 10 changed or split in the -- since the 2020 election 11 cycle? 12 A. I don't know the total number. I can't 13 recall the total number. 14 Q. Generally speaking, what involvement, if 15 any, does your office have in changes in polling 16 places? 17 A. We receive the order from the local board 18 of supervisors stating that a change will be made, 19 but other than that, that is a local county 20 decision. 21 Q. Who enters the information in the SEMS 22 database about a new polling location? 23 A. The local election officials. 24 Q. Is it up to the local election officials 25 also to make sure that those polling locations</p>	<p style="text-align: right;">Page 97</p> <p>1 is. 2 Q. Is there any standard that you're aware 3 of with respect to the maximum number of registered 4 voters who can be addressed by a given polling 5 place? 6 MR. BECKETT: Object to the form. 7 You can answer. 8 THE WITNESS: There is a requirement 9 under law for 500 voters to be assigned to a 10 precinct unless there are voting machines used. And 11 now every -- by law, every county must use voting 12 machines that have a voter-verifiable paper trail. 13 So each voting machine will have -- each precinct 14 will have a voting machine in it. 15 BY MR. LAVELLE: 16 Q. Is there any standard that you're aware 17 of as to the number of voting machines that must be 18 offered for a particular precinct? 19 A. No, sir. Previously, for the older what 20 we call TSX machines, a county had to use 75 percent 21 of their inventory, but those touchscreen machines 22 will no longer be allowed to be utilized under 23 Mississippi law. 24 Q. So voting is currently conducted how? 25 A. Going forward, January 1st, 2024, every</p>

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<p style="text-align: right;">Page 98</p> <p>1 county is required to us a voting machine that has a 2 paper ballot that can be scanned and counted. 3 Q. So individual voters will complete their 4 vote on a paper ballot which is then fed into a 5 machine to register the vote; is that fair? 6 A. Yes, sir. 7 Q. Is there any standard or requirement that 8 you're aware of as to the number of machines that 9 have to be available in a given polling place to 10 handle processing of ballots? 11 A. No, sir. 12 MR. LAVELLE: All right. I think we're 13 at a convenient place to take a break. 14 MR. BECKETT: Sounds good. 15 THE VIDEOGRAPHER: The time is 11:11 a.m. 16 We are off the record. 17 (Off the record.) 18 THE VIDEOGRAPHER: We're back on the 19 record. The time is it 11:23 a.m. 20 BY MR. LAVELLE: 21 Q. All right. Mr. Kirkpatrick, I'd like to 22 put back in front of you again what we've marked 23 previously as Exhibit 2, that is the topic list for 24 today's deposition. I think we're now at Topic 4. 25 "The timing of previous election cycles, including</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Has there ever been a circumstance in 2 which an election was required other than at the 3 standard timing, for example, to buy -- to fill a 4 special election? 5 A. Yes. Legislative seats can have a 6 special election day at a time other than the 7 regular special election day, which is the same time 8 as general elections. 9 Q. So if, for example, a vacancy were to 10 occur in a particular state senate or house seat, 11 that vacancy could be filled by a special election; 12 is that fair? 13 A. Yes, sir. 14 Q. What is the process for scheduling an 15 election in that circumstance? 16 A. If there is a vacancy in a legislative 17 seat, the governor will issue a writ of election 18 setting the time for the election within the time 19 frame set under the election code for legislative 20 vacancies. 21 Q. Has that occurred during the time period 22 that you have been in your current position? 23 A. Yes. 24 Q. How many times has that happened during 25 the time that you have been in your current</p>
<p style="text-align: right;">Page 99</p> <p>1 but not limited to," and there is a series of items. 2 Let's focus on the first one first. And that is 3 "The procedures for and feasibility of moving the 4 qualifying and/or primary dates for the 2024 5 election cycle and of conducting special state 6 legislative elections in 2024." 7 I assume at this point the dates for the 8 primary and the general election of 2024 have 9 already been set; is that fair? 10 A. Yes. 11 Q. And they are mandated by state law; 12 correct? 13 A. Yes, sir. 14 Q. So those have already been communicated 15 to county election officials. They are already 16 aware of those dates and know what they need to do 17 under the election calendar in order to meet those 18 deadlines; correct? 19 A. That's correct. 20 Q. What would the process be for changing 21 the election date? 22 A. Well, as I previously mentioned, those 23 are set in statute. So any mechanism would need to 24 be really a legislative change and the date for 25 those elections to be held.</p>	<p style="text-align: right;">Page 101</p> <p>1 position? 2 A. Sorry. I'm going through the years. I 3 believe that's happened two or three times. It may 4 have been more, but I can think of at least two or 5 three occasions where that's happened. 6 Q. Did you get approximately the same amount 7 of lead time each time, from the issuance of the 8 decree by the governor until the election was going 9 to be held, or did it vary? 10 A. I can't recall exactly what all the lead 11 times were. By law, there has to be at least a 12 60-day lead time in between the writ and for the 13 election to be held. 14 Q. And why is 60-day lead time mandated by 15 state law, if you know? 16 A. I can't speak to why that may have been 17 put in, that 60-day deadline. 18 Q. Within that 60-day period, what happens? 19 A. Candidates will submit their qualifying 20 paperwork. Because it is a special election, that 21 will be submitted directly to the Secretary of 22 State's office. The Secretary of State review those 23 materials, they prepare meetings for the state board 24 of election commissions. The state board of 25 election commissioner meets, they qualify</p>

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<p style="text-align: right;">Page 102</p> <p>1 candidates, they prepare and approve the ballots. 2 That election is built in SEMS. Data is transmitted 3 to the local election officials and they go about 4 doing all their preparations necessary to conduct 5 the election in their county or counties, if it's a 6 multicounty district. 7 Q. Are absentee ballots available for voters 8 to use in the circumstance of special elections like 9 this? 10 A. Yes. 11 Q. And when are those absentee ballots 12 prepared? 13 A. 45 days. 14 Q. You said earlier that 60 days was the 15 time frame typically given. Does that mean you're 16 able to qualify and determine who the candidates 17 will be within two weeks? 18 MR. BECKETT: Object to the form. 19 THE WITNESS: Yes, we are able to do 20 that. Largely because these are normally isolated 21 events, it makes it a lot easier to handle. It's 22 normally not set during a major election time when 23 candidates have already been qualified so it makes 24 it easier to focus on the handful of candidates that 25 may have qualified for a single vacancy race.</p>	<p style="text-align: right;">Page 104</p> <p>1 special legislative elections during election cycles 2 after 1990, including for implementing state 3 legislative maps drawn in response to a court 4 order." 5 Do you see that? 6 A. Yes, sir. 7 Q. All right. And you're familiar with this 8 area of questioning? 9 A. I'm aware that we have had to have some 10 specially drawn maps in Mississippi and implement 11 elections for those. 12 Q. You're aware there has been a history 13 here in Mississippi of electoral districts having to 14 be redrawn; is that correct? 15 MR. BECKETT: Object to the form. 16 THE WITNESS: Yes. 17 BY MR. LAVELLE: 18 Q. That's happened in previous election 19 cycles where a court has required electoral 20 districts to be redrawn; correct? 21 A. Yes. 22 Q. That's happened on multiple occasions, in 23 fact; right? 24 A. I believe so. 25 Q. Do you have a special set of procedures</p>
<p style="text-align: right;">Page 103</p> <p>1 BY MR. LAVELLE: 2 Q. What role, if any, does your office play 3 in getting things ready for a state legislative 4 special election? 5 A. So we will build the election in SEMS, as 6 I previously mentioned. Candidates will qualify 7 with our office. We will do an initial review of 8 the qualifications and look for anything that we see 9 as a potential issue to highlight to the SBEC. If 10 we see something, we will send a letter to the 11 candidate letting them know that we see a potential 12 issue but that's not a final determination. We 13 provide materials to the State Board of Election 14 Commissioners so that we can meet and rule on 15 candidate qualifications and approve the sample 16 ballot so that an election can finally be pushed 17 down to local election officials. 18 Q. And who is involved in that process that 19 you just described from your office? 20 A. It will be myself; Laura Courtney, senior 21 attorney; Madalan Lennep; and Logan Witcher, our 22 elections compliance officer. 23 Q. Section B of the Topic 4 is "The State's 24 experience and procedures for implementing newly 25 drawn state legislative maps and for conducting</p>	<p style="text-align: right;">Page 105</p> <p>1 in the Secretary of State's office as to how to 2 implement newly drawn state legislative maps if 3 ordered by a court? 4 A. No. Once again, we don't implement the 5 lines, that will be up to the county circuit clerks 6 and the county election officials. The local county 7 election officials actually implement whatever 8 court-drawn maps may be provided. 9 Q. Did your office provide guidance or 10 training to county officials in connection with 11 those newly drawn state legislative maps by court 12 order? 13 A. I'm not aware if any specific guidance 14 was given around the time of those redistricting 15 lines for those specially drawn maps. 16 Q. You would expect the counties to know 17 what to do and they would be able to do it based on 18 the training you provide on a regular basis; isn't 19 that fair? 20 A. Yes. Counties are provided with training 21 on how to conduct redistricting. From a general 22 sense, yes, sir. 23 Q. And if county officials don't do what 24 they are required to do, your office doesn't have 25 any enforcement capacity; is that fair?</p>

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<p style="text-align: right;">Page 106</p> <p>1 A. That's fair, yes, sir.</p> <p>2 Q. Were you involved at all in the last time</p> <p>3 that districts had to be redrawn in response to a</p> <p>4 court order in Mississippi?</p> <p>5 A. I believe the last time may have been</p> <p>6 prior to 2020, which was prior to my entering the</p> <p>7 Secretary of State's office.</p> <p>8 Q. Do you know how long it took for the new</p> <p>9 districts to be implemented in response to the court</p> <p>10 order at that time?</p> <p>11 A. I'm not aware of how long it took the</p> <p>12 county election officials to fully implement what</p> <p>13 the court had ordered.</p> <p>14 Q. Your office doesn't have any records</p> <p>15 about that; is that fair?</p> <p>16 A. That's correct. We wouldn't have any</p> <p>17 time frame of how long it took the counties to</p> <p>18 complete that.</p> <p>19 Q. Okay. So whether it took a day, a week,</p> <p>20 a month, a year, you just don't have any idea; is</p> <p>21 that fair?</p> <p>22 A. That's correct.</p> <p>23 Q. The next topic area is "Election</p> <p>24 calendars for election cycles after 1990, and the</p> <p>25 timing, including deadlines and actual completion</p>	<p style="text-align: right;">Page 108</p> <p>1 getting the elections ready as you do every year?</p> <p>2 A. Yes, sir, that's correct. We don't have</p> <p>3 any specific redistricting calendar.</p> <p>4 Q. All right. The next topic area is D.</p> <p>5 "Measures the State took to mitigate resource and</p> <p>6 time constraints related to the implementation of</p> <p>7 new state legislative maps during the 2023 election</p> <p>8 cycle, whether it anticipates the recurrence of any</p> <p>9 such constraints in future elections, and, if so,</p> <p>10 any measures the State plans to take to mitigate</p> <p>11 those constraints."</p> <p>12 So let's start with the first part of this.</p> <p>13 Are you aware of any measures that the State took to</p> <p>14 mitigate resource and time constraints on</p> <p>15 implementing the new state legislative district maps</p> <p>16 this year, this past year?</p> <p>17 A. So -- and I guess the -- when you refer</p> <p>18 to "the State" are you referring to the Secretary of</p> <p>19 State's office or?</p> <p>20 Q. Let's start it there. I'm assuming that</p> <p>21 you're not knowledgeable about things that anyone</p> <p>22 other than the Secretary of State's office did; is</p> <p>23 that fair?</p> <p>24 A. Generally, yes, sir.</p> <p>25 Q. Okay. So let's focus on what the</p>
<p style="text-align: right;">Page 107</p> <p>1 dates, of relevant processes regarding the</p> <p>2 implementation of new state legislative district</p> <p>3 maps for election cycles after 1990, including all</p> <p>4 necessary steps to implement state legislative</p> <p>5 district maps."</p> <p>6 We've already talked about this topic to</p> <p>7 some extent, but it would be fair to say that your</p> <p>8 office does not set or impose any particular</p> <p>9 calendar on individual counties with respect to</p> <p>10 implementing new state legislative district maps; is</p> <p>11 that fair?</p> <p>12 A. That's correct. As previously mentioned,</p> <p>13 we will just remind counties of the practical</p> <p>14 deadline for getting things ready in time to have</p> <p>15 ballots prepared through SEMS.</p> <p>16 Q. So you communicate to them how to do it</p> <p>17 and you communicate to them the deadline for them to</p> <p>18 complete it, but you don't -- your office, the</p> <p>19 Secretary of State's office doesn't do any type of</p> <p>20 monitoring or follow-up to make sure that it's done</p> <p>21 by the counties; fair?</p> <p>22 A. Yes, sir, we don't have any oversight.</p> <p>23 Q. And you don't have any calendar that you</p> <p>24 push out to the counties to say, "Here's when it</p> <p>25 needs to be done," other than the calendar for</p>	<p style="text-align: right;">Page 109</p> <p>1 Secretary of State's office did, if anything, to</p> <p>2 mitigate resource and time constraints on</p> <p>3 implementing those new state legislative maps. Is</p> <p>4 there anything that you can identify, as we sit here</p> <p>5 today, that your office did in terms of initiative</p> <p>6 to make it faster or easier for counties to</p> <p>7 implement the new state legislative maps?</p> <p>8 A. No, sir. If you are going to go back, we</p> <p>9 don't have any involvement in the implementation.</p> <p>10 That's a local election official thing. So we just</p> <p>11 make sure we timely provided training so the county</p> <p>12 election officials can do the work they needed to</p> <p>13 do.</p> <p>14 Q. It is fair to say that the Secretary of</p> <p>15 State's office does maintain that SEMS database</p> <p>16 which allows counties to update the records in an</p> <p>17 electronic fashion which is efficient and modern; is</p> <p>18 that fair?</p> <p>19 A. Can you repeat the question one more</p> <p>20 time? I'm sorry.</p> <p>21 Q. Sure. The Secretary of State's office</p> <p>22 does maintain this statewide SEMS database, which</p> <p>23 enables counties to implement new state legislative</p> <p>24 maps electronically in an efficient and modern</p> <p>25 fashion; is that fair?</p>

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<p style="text-align: right;">Page 110</p> <p>1 A. Yes, sir. We do house SEMS, and that's</p> <p>2 where they will implement the lines.</p> <p>3 Q. It's not like they have to physically</p> <p>4 move pieces of paper in order to make that happen.</p> <p>5 They can do it in the electronic database, the SEMS</p> <p>6 database; right?</p> <p>7 MR. BECKETT: Object to the form.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: Yes, sir.</p> <p>10 BY MR. LAVELLE:</p> <p>11 Q. All right. Has your office received any</p> <p>12 complaints from counties about how long it takes to</p> <p>13 update the records in the SEMS database when</p> <p>14 redistricting occurs?</p> <p>15 A. We have heard from counties generally</p> <p>16 that it is just a cumbersome process to implement.</p> <p>17 Q. Are you aware of anybody who's made any</p> <p>18 proposals or suggestions about things that could be</p> <p>19 done to update the SEMS database or make it easier</p> <p>20 for them or quicker for them to update records?</p> <p>21 A. I can't recall any suggestions that we've</p> <p>22 gotten from counties.</p> <p>23 Q. Ms. Lennep testified that this current</p> <p>24 SEMS database was originally implemented somewhere</p> <p>25 around 2006, 2007. Does that sound accurate to you?</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Ms. Lennep testified that she's been</p> <p>2 doing work and under subcontract with an entity</p> <p>3 called Knowledge Services. Are you familiar with</p> <p>4 Knowledge Services?</p> <p>5 A. Generally, yes.</p> <p>6 Q. What is Knowledge Services?</p> <p>7 A. My understanding, it's a provision of the</p> <p>8 information and technology services that technology</p> <p>9 contractors have to go through in order to work with</p> <p>10 the State.</p> <p>11 Q. Is Knowledge Services a private entity?</p> <p>12 A. I'm not sure.</p> <p>13 Q. Is it a division of some part of the</p> <p>14 State of Mississippi government?</p> <p>15 A. I'm not quite sure on the exact makeup or</p> <p>16 its relationship with ITS. Only that contractors</p> <p>17 will go through Knowledge Services to provide</p> <p>18 services to the State.</p> <p>19 Q. Who in your office contracts with</p> <p>20 Ms. Lennep's company, Pharos, to provide services to</p> <p>21 the Secretary of State's office?</p> <p>22 A. Primarily technology contracts are</p> <p>23 through our division of technology services and our</p> <p>24 finance department with the --</p> <p>25 Q. Ms. Lennep -- I'm sorry. Ms. Lennep</p>
<p style="text-align: right;">Page 111</p> <p>1 A. Yes, sir, that would be in line with Help</p> <p>2 America Vote Act.</p> <p>3 Q. It's updated, I would expect,</p> <p>4 periodically by the vendor that provides it; is that</p> <p>5 fair?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Hewlett-Packard is the company, the big</p> <p>8 tech company that created this database system; is</p> <p>9 that right?</p> <p>10 A. Yes, sir. I believe they were one of the</p> <p>11 vendors. There was a time when a couple vendors</p> <p>12 changed hands due to some buyouts and things like</p> <p>13 that in the early implementation of SEMS, but</p> <p>14 Hewlett-Packard was one of them.</p> <p>15 Q. Who's the current vendor that's</p> <p>16 responsible for maintaining this SEMS database?</p> <p>17 A. Arrikan.</p> <p>18 Q. And the Secretary of State's office has a</p> <p>19 contract with them to provide periodic updates of</p> <p>20 it?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Just as you have a contract with</p> <p>23 Ms. Lennep's company, Pharos, to provide technical</p> <p>24 support and assistance on SEMS; is that right?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 113</p> <p>1 testified that she submits, periodically,</p> <p>2 information with respect to the work she has done</p> <p>3 and the amount of time it's taken her in order to</p> <p>4 bill for that time. Are you familiar with that</p> <p>5 process?</p> <p>6 A. Yes.</p> <p>7 Q. Do you review her bills?</p> <p>8 A. I believe that goes to our technology</p> <p>9 services vendor, our director, our CIO, and our</p> <p>10 finance director.</p> <p>11 Q. So when you say "our CIO," is that a CIO</p> <p>12 or chief information officer within the Secretary of</p> <p>13 State's office?</p> <p>14 A. Yes.</p> <p>15 Q. Who is that?</p> <p>16 A. Daniel Jordan.</p> <p>17 Q. Can you spell his last name, please?</p> <p>18 A. J-O-R-D-A-N.</p> <p>19 Q. And how long has he been in that</p> <p>20 position?</p> <p>21 A. I believe he started around February or</p> <p>22 March of this year.</p> <p>23 Q. Who preceded him in that role?</p> <p>24 A. Eric Yoakum.</p> <p>25 Q. How do you spell his last name?</p>

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<p style="text-align: right;">Page 114</p> <p>1 A. I'm not quite sure. Y-O-A-K-U-M, I 2 believe. Don't let Eric know I can't spell his last 3 name. 4 Q. Have you reviewed any of Ms. Lennep's 5 time entries? 6 A. I don't recall reviewing the time 7 entries. I have seen some of her, in preparing the 8 contracts for the year, her proposals for what her 9 time allotment will be for the year. 10 Q. All right. Let's scroll down to the next 11 section of the notice. Section 4E is "Anticipated 12 deadlines for 2024 election-related events, 13 including but not limited to candidate filing 14 deadlines, ballot production deadlines, nominating 15 period deadlines, and voting periods." 16 So these dates have all already been set in 17 accordance with state law; is that correct? 18 A. Yes, sir. 19 Q. Do you publish this calendar of these 20 various deadlines, either on the internet or through 21 some other means, to counties? 22 A. Yes, sir. We provide it to the general 23 public, including county election officials. 24 Q. Where do you provide that? 25 A. On the Mississippi Secretary of State's</p>	<p style="text-align: right;">Page 116</p> <p>1 let's start with subsection A. "Data and 2 information on voter registration, voter turnout 3 rates in Mississippi, including at the county level 4 and broken down by particular racial demographic 5 groups." 6 I think we've already covered this to some 7 extent, but let's make sure we got the record clear. 8 The Secretary of State's office does maintain 9 records on voter registration; correct? That's done 10 in the SEMS database? 11 A. Yes, sir. 12 Q. And you report regularly on voter turnout 13 rates in the state of Mississippi; correct? 14 A. Yes, sir. 15 Q. You have occasionally reported 16 information at the county level on voter turnout 17 numbers; is that fair? 18 A. Yes, sir. We have looked at the numbers 19 broken down by county. 20 Q. You have not looked, however, at the 21 numbers by particular racial demographic groups; is 22 that fair? 23 A. Yes, sir, that's correct. 24 Q. Has your office done any work to 25 determine the percentage of voter registration</p>
<p style="text-align: right;">Page 115</p> <p>1 website. 2 Q. So if any individual wants to see those 3 deadline, they go on the Secretary of State's 4 website, and you've published all the deadlines 5 calculated in accordance with state law; is that 6 right? 7 A. Yes, sir. 8 Q. Are you aware of any time that an 9 election was delayed because there was an inability 10 to implement new boundary maps? 11 A. Not that I can recall. 12 Q. Are you aware of any time that an 13 election had to be delayed because there was a 14 problem in distributing ballots? 15 A. Not that I recall for an election being 16 delayed, no, sir. 17 Q. Are you aware of any circumstance which 18 an election had to be delayed because of problems 19 getting the election ready, as we've described in 20 your deposition testimony? 21 A. No, sir, I'm not aware of an election 22 being delayed. 23 Q. All right. Let's go to the next topic, 24 Topic 5. Topic 5 is "Voter participation in 25 Mississippi, including but not limited to," and</p>	<p style="text-align: right;">Page 117</p> <p>1 compared to the eligible population of voters? 2 MR. BECKETT: Object to the form. 3 You can answer. 4 THE WITNESS: Can you -- just to repeat 5 the question to make sure I understand which numbers 6 you're asking for. 7 BY MR. LAVELLE: 8 Q. I think I need to adjust that question. 9 I don't think that was a well-stated question so let 10 me try to rephrase it. 11 Would you agree with me, sir, that only a 12 portion of those who would be eligible to register 13 to vote in the state of Mississippi are actually 14 registered voters? 15 A. Sorry. I don't mean to be. I'm still a 16 little -- one more time. 17 Q. Okay. Sure. The qualifications in order 18 to vote within the state of Mississippi is you need 19 to be at least 18 years old; correct? 20 A. Yes. 21 Q. Other than that, there's no particular 22 requirements. You have to live within the state of 23 Mississippi and be at least 18 years old; correct? 24 A. You have to be a citizen of the United 25 States and you have to be a resident of the county</p>

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<p style="text-align: right;">Page 118</p> <p>1 in the district that you're seeking to vote in.</p> <p>2 Q. Okay. You would agree with me that not</p> <p>3 every single person who is a -- meets those criteria</p> <p>4 is actually registered to vote in the state of</p> <p>5 Mississippi; is that right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. There is a gap between voter registration</p> <p>8 and the number of potentially eligible voters;</p> <p>9 right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And we talked earlier about efforts that</p> <p>12 the Secretary of State's office has made to increase</p> <p>13 voter registration through outreach to the</p> <p>14 community; correct?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Do you have any access to information</p> <p>17 about relative percentages of voter registration at</p> <p>18 the county level? In other words, are some counties</p> <p>19 more successful than other counties in getting</p> <p>20 voters to register?</p> <p>21 MR. BECKETT: Object to the form.</p> <p>22 THE WITNESS: Yes, we do provide a, I</p> <p>23 believe it's an active voter count report showing</p> <p>24 the number of registered voters in each county</p> <p>25 compared to the number of people who may be able to</p>	<p style="text-align: right;">Page 120</p> <p>1 So I assume the answer to this is no, but</p> <p>2 you tell me if I'm wrong. The Secretary of State's</p> <p>3 office does not maintain information about whether</p> <p>4 voters tend to vote in particular ways based on</p> <p>5 their race; is that fair?</p> <p>6 A. That's correct. We would have no way to</p> <p>7 determine that based on the data we have.</p> <p>8 Q. In fact, the Secretary of State's office,</p> <p>9 while it's responsible for making sure elections are</p> <p>10 conducted in accordance with state law, doesn't</p> <p>11 track who anyone has voted for in any particular</p> <p>12 election; correct?</p> <p>13 A. That's correct, yes, sir.</p> <p>14 Q. Voting is generally a private matter in</p> <p>15 the state of Mississippi; correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Subsection C is "Efforts by the Secretary</p> <p>18 of State to encourage voter registration and</p> <p>19 participation, including among Black</p> <p>20 Mississippians."</p> <p>21 All right. So we talked earlier about</p> <p>22 efforts to encourage voter registration. What can</p> <p>23 you tell me about efforts by the Secretary of</p> <p>24 State's office, if any, to encourage voter</p> <p>25 participation that is actual voter turnout?</p>
<p style="text-align: right;">Page 119</p> <p>1 be eligible according to this last census.</p> <p>2 BY MR. LAVELLE:</p> <p>3 Q. And do you publish that anywhere?</p> <p>4 A. Yes.</p> <p>5 Q. Where do you publish that?</p> <p>6 A. On the Mississippi Secretary of State's</p> <p>7 website.</p> <p>8 Q. As we sit here today, are you able to</p> <p>9 identify any particular place where voter</p> <p>10 registration is lagging in the state of Mississippi?</p> <p>11 A. I can't recall right now if there's any</p> <p>12 particular county that's much further behind than</p> <p>13 any other.</p> <p>14 MR. BECKETT: Something just popped up on</p> <p>15 the screen. Okay. Never mind. It's done.</p> <p>16 BY MR. LAVELLE:</p> <p>17 Q. And you're not able to tell us today how</p> <p>18 voter registration has trended based on particular</p> <p>19 racial demographic groups in the state of</p> <p>20 Mississippi?</p> <p>21 A. That's correct. The Secretary of State's</p> <p>22 office does not keep racial data on voters.</p> <p>23 Q. All right. The next subsection of this</p> <p>24 notice is "Data and information on racially</p> <p>25 polarized voting in Mississippi."</p>	<p style="text-align: right;">Page 121</p> <p>1 A. So we have launched what we call</p> <p>2 Elections 101, which is providing elections</p> <p>3 material, voting information through social media.</p> <p>4 We have also launched My Election Day, which is an</p> <p>5 online program in which a person can enter their</p> <p>6 address to find out important information such as</p> <p>7 when voting is going to be occurring, what elections</p> <p>8 they may be able to vote for and where they will</p> <p>9 vote, as well as being able to track absentee ballot</p> <p>10 and affidavit ballot processes through that system</p> <p>11 in order to allow people to be more engaged and know</p> <p>12 those important dates, even be able to view a</p> <p>13 specific sample ballot, specific to that person so</p> <p>14 they can prepare themselves long before election day</p> <p>15 and start making those important decisions they need</p> <p>16 to make on who to vote for.</p> <p>17 Q. And that's something you do on an ongoing</p> <p>18 basis in connection with every election; is that</p> <p>19 fair?</p> <p>20 A. Yes. My Election Day was launched this</p> <p>21 year, but it's a permanent addition to what's</p> <p>22 available to voters.</p> <p>23 Q. Are there any special or additional</p> <p>24 outreach efforts that are conducted by the Secretary</p> <p>25 of State to encourage minority voter registration?</p>

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<p style="text-align: right;">Page 122</p> <p>1 A. We don't specify any particular minority 2 group or any particular population. We try and 3 encourage voter registration, voter turnout among 4 all Mississippians. 5 Q. And same is true with respect to voter 6 participation, there's no special effort by the 7 Secretary of State's office to encourage voter 8 participation by minority voters; is that fair? 9 A. No. We generally encourage registration 10 turnout by all Mississippians. 11 Q. Subsection D is "The Secretary of State's 12 role in activities in ensuring voting access in 13 Mississippi, including through the provision of 14 polling place information and other voting 15 information to the public, and advising and 16 furnishing resources and guidance to the local board 17 of election commissioners regarding election 18 administration." 19 So if an individual voter wants to find out 20 where their polling place is, how can she do that? 21 A. They can visit My Election Day and type 22 in their address, and it will provide the polling 23 place that the county has entered into the statewide 24 election management system. 25 Q. And that's drawing their information</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. Does the Secretary of State's office 2 provide any type of funding to local counties with 3 respect to election administration? 4 A. The Mississippi Secretary of State's 5 office does provide some funding. 6 Q. All right. And what can you tell us 7 about that? What kind of funding and how is it 8 provided? 9 A. The Mississippi Secretary of State 10 provides funding through the Help America Vote Act, 11 through subgrants to counties. Also provided 12 through grant funding approved by the Mississippi 13 legislature, the Mississippi Voting Modernization 14 Act. Funding for the purchase of voting equipment 15 that use voter-verifiable paper ballots. And also 16 through the Election Support Fund, which is monies 17 generated through our office through foreign LLCs, 18 meaning out of state LLCs, find any reports will 19 generate funds that are now disbursed to the 20 counties at a dollar match. 21 Q. And are there any plans to change that 22 level of support going forward for what they have 23 done in previous years? 24 A. Well, we recently got that funding bumped 25 up to a hundred percent through some work with the</p>
<p style="text-align: right;">Page 123</p> <p>1 based on their address and the SEMS database? 2 A. That's correct, yes, sir. 3 Q. Is it possible for someone to determine 4 whether they themselves are registered to vote? 5 A. Yes. They can use the Secretary of 6 State's website. We have a voter registration 7 lookup where they can type in certain categories of 8 information that will match against the databases 9 before we provide certain information to make sure 10 it's actually that voter, but they can look to see 11 if they are registered to vote. 12 Q. And these ways of providing this 13 information to voters would be in addition to 14 whatever information was provided by county election 15 boards; is that fair? 16 A. Correct. 17 Q. Does the Secretary of State's office set 18 any type of standards about how individual counties 19 have to make that information available to voters? 20 A. No. We make that information available 21 through My Election Day and the online lookup, but 22 we don't have any oversight authority to dictate how 23 a county may provide resources, such as polling 24 place information, to the voters through, like, any 25 online lookup tool or et cetera.</p>	<p style="text-align: right;">Page 125</p> <p>1 legislature. So we can't get that funding any 2 higher. And as I'm aware of, any kind of subgrant 3 award through federal money will have to be 4 dependent on what the federal government budgets 5 through any HAVA appropriations if they give a 6 future disbursement. So that would have to be 7 considered at the time that the federal government 8 releases more HAVA funding. 9 Q. Subsection E here is "Voting policies and 10 procedures in Mississippi, and the impact of those 11 policies and procedures on Black voters, including: 12 The availability of early mail-in voting; voter 13 information made available by the Secretary of 14 State's office in advance of an election; lines at 15 polling places; changes in polling places; 16 disenfranchisement of people with felony 17 convictions; and the use of runoff elections." 18 Let's start with the general question, 19 which is: Your office does occasionally have an 20 opportunity to comment on proposed changes in voting 21 policies and procedures in Mississippi; is that 22 fair? 23 A. There have been times that we have 24 provided information to the legislature on various 25 policy changes.</p>

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<p style="text-align: right;">Page 126</p> <p>1 Q. You mentioned a couple of those in your 2 testimony earlier today; correct? 3 A. Yes, sir. 4 Q. Some proposed changes that are being 5 contemplated, and at least one that's going to be 6 implemented for 2024, your office has been asked to 7 comment on them and provide input to the legislature 8 on those; is that fair? 9 A. Yes, sir. 10 Q. In that respect, have you been asked by 11 the legislature to provide any input or comment on 12 whether any current voting policies and procedures 13 disproportionately disenfranchise minority or Black 14 voters? 15 A. I don't recall any specific discussions 16 on policies that would affect minority voters or how 17 a policy change would specifically affect those 18 minority voters. 19 Q. Okay. On some of these specific issues, 20 let's talk through them. We talked earlier about 21 the availability of early voting, and actually there 22 is no early voting in Mississippi; correct? 23 A. Yes, sir. 24 Q. The only mail-in voting that is permitted 25 is absentee ballot by excuse, and those areas are</p>	<p style="text-align: right;">Page 128</p> <p>1 registration toolkit. 2 Q. With respect to lines and polling places, 3 does your office receive reports of issues where 4 there are long lines forming at individual polling 5 places? Has that ever happened? 6 A. Yes. We will occasionally get calls 7 throughout the election day about sometimes the 8 person having to wait in line at a polling place. 9 Q. And what will, if any, does your office 10 have in resolving problems of lines forming at 11 polling places? 12 A. We don't have any direct authority. Once 13 again, the local election officials are responsible 14 for running those elections and the precincts at the 15 polling place. If we hear of an issue, we will call 16 down to the county election commission and pass that 17 on, but it's up to them to get whatever issue is 18 resolved or whatever is causing those long lines to 19 get resolved as soon as possible to be resolved. 20 Q. Has your office collected or attempted to 21 collect any data to determine whether or not lines 22 occur disproportionately at polling places where the 23 majority of voters are Black? 24 A. No, sir. 25 MR. BECKETT: Object to the form.</p>
<p style="text-align: right;">Page 127</p> <p>1 defined by legislation; correct? 2 A. Yes, sir, that's correct. 3 Q. And the only change that's being 4 contemplated, that you're aware of, in those rules 5 is potential legislation to add an excuse for an 6 incarcerated individual who has not been convicted 7 of a disenfranchising felony; correct? 8 A. Yes, sir, that's correct. 9 Q. We talked earlier about voting 10 information that's made available by the Secretary 11 of State's office in advance of the election. 12 That's essentially through the SEMS database; is 13 that correct? 14 A. Yes. So if you're referring to My 15 Election Day having their information, we have other 16 voter information available as well on our website. 17 Q. What other information do you have 18 available for voters on your website? 19 A. We have county election handbooks so they 20 can become aware of what the procedures are. We 21 have step-by-step absentee voting guides. We have 22 FAQ for general questions regarding absentee voting. 23 Of course we have the voter registration lookup as 24 well where people can check to see if they are 25 registered to vote, as well as the voter</p>	<p style="text-align: right;">Page 129</p> <p>1 You can answer. 2 THE WITNESS: No, sir. 3 BY MR. LAVELLE: 4 Q. Has your office undertaken at all to 5 determine whether there are any particular trends in 6 where lining at polling places form? 7 MR. BECKETT: Object to the form. 8 THE WITNESS: No, sir, not that I'm aware 9 of. 10 BY MR. LAVELLE: 11 Q. Have there been any instances where your 12 office have suggested to county officials to make 13 different arrangements with respect to polling 14 places in order to reduce lines, such as increasing 15 the number of polling places, increasing the number 16 of staff members at the polling place, anything like 17 that? 18 A. Not in the specific counties. Generally 19 during training, we will mention that it's good to 20 have -- make sure you have a sufficient number of 21 staff, poll managers, sufficient number of machines 22 that you feel are necessary in order to have a 23 smooth election day. 24 Q. We talked earlier in your deposition 25 testimony about changes in polling places, and I</p>

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<p style="text-align: right;">Page 130</p> <p>1 think your testimony was that the location of 2 polling places is controlled by local county 3 officials, not by the Secretary of State's office; 4 correct? 5 A. Yes, sir, that's correct. 6 Q. They are required to report to you 7 changes in polling places and to make sure that 8 those are reflected in the SEMS database; is that 9 correct? 10 A. That's correct. 11 Q. And has your office undertaken to 12 determine whether or not there were changes in 13 polling places made that would disproportionately 14 affect voters of color? 15 A. No, sir. 16 Q. The next subcategory here is the 17 disenfranchising of people with felony convictions. 18 Generally speaking, under Mississippi state law, an 19 individual convicted of a felony is ineligible to 20 vote; is that correct? 21 A. If they are convicted of a certain 22 disenfranchising crime, yes. It's not any felony. 23 It's certain disenfranchising crimes. 24 Q. Okay. And which disenfranchising crimes 25 are those?</p>	<p style="text-align: right;">Page 132</p> <p>1 county level in connection with that or is this all 2 automated? 3 A. So as far as the AOC, I can't exactly 4 speak what the AOC's operations are as far as 5 entering the disenfranchising crimes. From the 6 election perspective, it is matched through SEMS, 7 the database, and that match, potential match is 8 presented to the local election officials for them 9 to determine if any action is needed to be taken on 10 it. 11 MR. BECKETT: His mic fell off. 12 THE WITNESS: Sorry about that. 13 BY MR. LAVELLE: 14 Q. No problem. Does your office maintain 15 statistics of the number of voters who are 16 disenfranchised as a result of being convict of a 17 disenfranchising crime? 18 A. A person who is convicted of a 19 disenfranchising crime would be marked as purged in 20 SEMS, and the reason for the removal would be 21 designated as having been convicted of a 22 disenfranchising crime. 23 Q. So you could generate a report if you 24 needed to or wanted to of the number of people who 25 fall in that category, couldn't you?</p>
<p style="text-align: right;">Page 131</p> <p>1 A. It's less than 23. I can't immediately 2 recite them all from memory. Some deal with murder, 3 robbery, et cetera, that fall under the 4 disenfranchising grounds. 5 Q. Does the Secretary of State's office have 6 any statistics as to the percentages of voters, the 7 potential voters who are disenfranchised as a result 8 of those restrictions? 9 A. Can you repeat the question? 10 Q. Sure. 11 A. What kind of -- 12 Q. Does your office maintain any statistics 13 with respect to who has been disenfranchised as a 14 result of a conviction of a disenfranchising crime? 15 A. Persons convicted of a disenfranchising 16 crime are received through a tie-in. A tie-in is 17 where the statewide election management system 18 communicates with the administrator of the court's 19 office in which, when they enter that a person has 20 been convicted of a crime, those databases will be 21 matched to see if somebody is a registered voter. 22 So we do have a database of those who have been 23 entered by AOC as having been convicted of a 24 disenfranchising crime. 25 Q. And is their data entry performed at a</p>	<p style="text-align: right;">Page 133</p> <p>1 A. Possibly. Anything technical, I'd have 2 to consult with Madalan and our vendor on exactly 3 how that data can be pulled and retrieved. 4 Q. Does the Secretary of State's office 5 provide any reporting on that topic? That is the 6 number of individual voters who have been 7 disenfranchised as a result of a conviction of a 8 disenfranchising crime. 9 A. Not that I'm aware of, no. 10 Q. Do you have any idea how many people are 11 disenfranchised as a result of that? 12 A. No. I don't know the total number that 13 have been disenfranchised under that. 14 Q. It would be thousands, wouldn't it? At 15 least, tens of thousands, hundreds of thousands? 16 A. It could be. 17 MR. BECKETT: Object to the form. 18 THE WITNESS: I can't speculate as to a 19 number. But I can imagine it would be at least over 20 a thousand, but I can't speculate as to a total 21 number that would be -- 22 BY MR. LAVELLE: 23 Q. Understood. Is it possible for a voter 24 who has been convicted of a disenfranchising crime 25 to be reinstated?</p>

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<p style="text-align: right;">Page 134</p> <p>1 A. Yes.</p> <p>2 Q. And how does that reinstatement occur?</p> <p>3 A. They could be pardoned by the governor of</p> <p>4 Mississippi or they could have their rights restored</p> <p>5 by the Mississippi legislature.</p> <p>6 Q. How often does that happen?</p> <p>7 A. I can't speak to how often a pardon is</p> <p>8 issued or a legislature approves a bill to</p> <p>9 re-enfranchise somebody.</p> <p>10 Q. But other than those two instances, it's</p> <p>11 a permanent disenfranchisement; correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And the last section of this -- of this</p> <p>14 topic is the use of runoff elections. Are you</p> <p>15 familiar with runoff elections?</p> <p>16 A. Yes, sir.</p> <p>17 Q. When are runoff elections used?</p> <p>18 A. They are used in the instance when</p> <p>19 offices that are required to have the majority of</p> <p>20 the vote do not receive -- a person does not receive</p> <p>21 a majority of the vote and a runoff is going to be</p> <p>22 held at the date set by legislature.</p> <p>23 Q. Are state legislative seats required --</p> <p>24 do they ever require runoff elections?</p> <p>25 A. Only in the instance of a special</p>	<p style="text-align: right;">Page 136</p> <p>1 subcategory of information is "Data, analyses,</p> <p>2 studies, or information created and/or provided by</p> <p>3 the Secretary of State's office, including its</p> <p>4 employees, staff, and/or consultants, for use in the</p> <p>5 2022 redistricting process."</p> <p>6 All right. So we discussed earlier that</p> <p>7 you had collected and produced in discovery a series</p> <p>8 of emails that Madalan Lennep had with either Ted</p> <p>9 Booth or Mr. Collins.</p> <p>10 Do you remember discussing that?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And you're aware from collecting and</p> <p>13 reviewing those records that there were a variety of</p> <p>14 categories of information that were requested by</p> <p>15 Mr. Collins or Mr. Booth from the Secretary of</p> <p>16 State's office; correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And while you yourself were not involved</p> <p>19 in complying with those requests, you're aware that</p> <p>20 Ms. Lennep did so; correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And you're aware that Ms. Lennep, as a</p> <p>23 vendor retained by the Secretary of State,</p> <p>24 effectively did produce these documents and records</p> <p>25 to Mr. Booth and Mr. Collins on behalf of the</p>
<p style="text-align: right;">Page 135</p> <p>1 election.</p> <p>2 Q. And can you explain that?</p> <p>3 A. State law requires that, for special</p> <p>4 elections, that if a -- no one receives a majority</p> <p>5 on the first election, that a runoff is held for</p> <p>6 general elections, they are simply required to</p> <p>7 obtain a plurality of the vote, not a majority, so</p> <p>8 most votes wins.</p> <p>9 MR. LAVELLE: All right. Let's take a</p> <p>10 break here, if that's okay with you.</p> <p>11 MR. BECKETT: Yeah. Sure. We can go off</p> <p>12 the record.</p> <p>13 THE VIDEOGRAPHER: The time is 12:10 p.m.</p> <p>14 We're off the record.</p> <p>15 (Off the record.)</p> <p>16 VIDEOGRAPHER: We're back on the record.</p> <p>17 The time is 12:46 p.m.</p> <p>18 BY MR. LAVELLE:</p> <p>19 Q. All right. Mr. Kirkpatrick, we're back</p> <p>20 from the lunch break, and we're going to move to</p> <p>21 Topic 6 of the 30(b)(6) topics. If we could pull</p> <p>22 up, once again, Exhibit 2. Topic 6 is "The</p> <p>23 Secretary of State's office's participation in the</p> <p>24 process of drawing state legislative maps in 2022,</p> <p>25 included but not limited to," and the first</p>	<p style="text-align: right;">Page 137</p> <p>1 Secretary of State's office; correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. So you're aware, for example, that</p> <p>4 Ms. Lennep provided a listing of precinct polling</p> <p>5 places to Mr. Collins at his request; right?</p> <p>6 A. Yes, sir. I believe that was one of the</p> <p>7 emails.</p> <p>8 Q. And you're aware that there was</p> <p>9 information that was requested by Mr. Collins</p> <p>10 relating to poll books, including the number of</p> <p>11 voters in a poll book and voter turnout percentages</p> <p>12 by district? Are you aware of that?</p> <p>13 A. I'd have to review the email for all, but</p> <p>14 I believe that was a request.</p> <p>15 Q. You're also aware that Mr. Collins and</p> <p>16 Mr. Booth requested information from Ms. Lennep</p> <p>17 concerning the turnout in a number of specific races</p> <p>18 that were held on a statewide basis? Are you aware</p> <p>19 of that?</p> <p>20 A. Yes, sir.</p> <p>21 Q. So, for example, they requested</p> <p>22 Ms. Lennep to provide information about the U.S.</p> <p>23 Senate election turnout numbers, both the primary</p> <p>24 and the general in 2020; correct?</p> <p>25 A. Yes, sir. I believe that was one of the</p>

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<p style="text-align: right;">Page 138</p> <p>1 request.</p> <p>2 Q. They also requested Ms. Lennep to provide</p> <p>3 information about the turnout for the gubernatorial</p> <p>4 election; right?</p> <p>5 A. Yes, sir. I believe some turnout data</p> <p>6 regarding that election was requested as well.</p> <p>7 Q. And also requested information about</p> <p>8 turnout numbers for the attorney general's office,</p> <p>9 state attorney general's office race; correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Are you aware of any requests that were</p> <p>12 placed by Mr. Collins or Mr. Booth that Ms. Lennep</p> <p>13 declined to fill?</p> <p>14 A. No, sir.</p> <p>15 Q. Are you aware of any requests that were</p> <p>16 directed by Mr. Collins to anyone in the Secretary</p> <p>17 of State's office for data, other than Ms. Lennep?</p> <p>18 A. No, sir.</p> <p>19 Q. How about Mr. Booth? Are you aware of</p> <p>20 any requests that he made to anyone in the Secretary</p> <p>21 of State's office, other than Ms. Lennep, for data</p> <p>22 or information in connection with redistricting?</p> <p>23 A. No, sir. I believe all of those requests</p> <p>24 were made to Ms. Lennep.</p> <p>25 Q. All right. Subsection B is "Any analysis</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. Did the Secretary of State's office have</p> <p>2 any input on any proposed alternative maps that had</p> <p>3 been provided by anyone not in the legislature, such</p> <p>4 as a member of the public?</p> <p>5 A. No, sir.</p> <p>6 Q. Has the Secretary of State's office ever</p> <p>7 been asked to provide any input, whether or not it</p> <p>8 actually did provide any input, but has it ever been</p> <p>9 asked to provide any input on any proposed maps?</p> <p>10 A. No, I'm not aware of any request for</p> <p>11 input on any proposed maps.</p> <p>12 Q. Subsection C here is "Communications with</p> <p>13 legislators, legislative staff, consultants, and/or</p> <p>14 the public about the 2022 redistricting process."</p> <p>15 Are you aware of any communications that the</p> <p>16 Secretary of State's office has had with legislators</p> <p>17 or legislative staff concerning the 2022</p> <p>18 redistricting process?</p> <p>19 A. As we mentioned in the interrogatories,</p> <p>20 the Secretary of State recalls generally speaking</p> <p>21 with some legislators regarding redistricting but</p> <p>22 not about any of the input or the analysis of the</p> <p>23 maps and can't recall who those legislators are.</p> <p>24 Q. So there were some conversations, we</p> <p>25 don't know with whom and we don't know what they</p>
<p style="text-align: right;">Page 139</p> <p>1 or consideration of any maps created or provided by</p> <p>2 legislators, legislative staff, consultants, and/or</p> <p>3 the public as part of the 2022 redistricting</p> <p>4 process."</p> <p>5 What involvement, if any, has the Secretary</p> <p>6 of State's office had in the preparation or</p> <p>7 consideration of maps for redistricting?</p> <p>8 A. The Mississippi Secretary of State's</p> <p>9 office doesn't create the maps. As I previously</p> <p>10 mentioned, that's the legislature's duty. Nor was</p> <p>11 any analysis performed of those maps or proposed</p> <p>12 maps by the Mississippi legislature.</p> <p>13 Q. So your office has not been asked by</p> <p>14 anybody who is responsible for drafting those maps</p> <p>15 for any input at all with respect to them; is that</p> <p>16 fair?</p> <p>17 A. Yes, sir.</p> <p>18 Q. The first time that your office received</p> <p>19 those maps was when they had actually been adopted</p> <p>20 by the commission; correct?</p> <p>21 MR. BECKETT: Object to the form.</p> <p>22 THE WITNESS: Yes, sir. We saw the final</p> <p>23 legislative language along with everybody else on</p> <p>24 what those maps would be.</p> <p>25 BY MR. LAVELLE:</p>	<p style="text-align: right;">Page 141</p> <p>1 were about; is that fair?</p> <p>2 MR. BECKETT: Object to the form.</p> <p>3 THE WITNESS: Yes. Can't recall what</p> <p>4 those conversations were about. Just they were</p> <p>5 about redistricting generally.</p> <p>6 BY MR. LAVELLE:</p> <p>7 Q. And who were the parties that you can</p> <p>8 identify, as we sit here today, to those</p> <p>9 communications?</p> <p>10 A. As I mentioned, the Secretary of State</p> <p>11 had those communications.</p> <p>12 Q. All right. And the Secretary of State</p> <p>13 you're referring to specifically by name is?</p> <p>14 A. Michael Watson.</p> <p>15 Q. All right. So Mr. Watson did have some</p> <p>16 communications with legislators about the</p> <p>17 redistricting process; is that fair?</p> <p>18 A. Generally speaking, yes.</p> <p>19 Q. Do you know when those conversations</p> <p>20 occurred?</p> <p>21 A. No.</p> <p>22 Q. Were you involved in them,</p> <p>23 Mr. Kirkpatrick?</p> <p>24 A. No.</p> <p>25 Q. Did you have a conversation with</p>

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<p style="text-align: right;">Page 142</p> <p>1 Mr. Watson to find out what was discussed?</p> <p>2 A. I did ask him about if he remembered who</p> <p>3 those legislators were or what the topic of</p> <p>4 conversation was, and as I previously mentioned, he</p> <p>5 couldn't recall any specifics about the</p> <p>6 conversation, just that it was about redistricting</p> <p>7 in general.</p> <p>8 Q. How many such conversation occurred?</p> <p>9 A. Let's see. I can't remember exactly who</p> <p>10 he spoke to so I can't say exactly how many</p> <p>11 conversations occurred.</p> <p>12 Q. But there was more than one?</p> <p>13 A. I believe at least more than one.</p> <p>14 Q. And do we know whether they occurred in</p> <p>15 the course of the redistricting process, before the</p> <p>16 redistricting was done, after it was done, all of</p> <p>17 the above?</p> <p>18 A. I believe, and recalling the conversation</p> <p>19 with the secretary, that it was after the</p> <p>20 redistricting process had been finalized and the</p> <p>21 final maps had been published.</p> <p>22 Q. Were there any communications that the</p> <p>23 Secretary of State with anyone relating to this</p> <p>24 litigation that we're here on currently?</p> <p>25 A. You are asking has there been in</p>	<p style="text-align: right;">Page 144</p> <p>1 BY MR. LAVELLE:</p> <p>2 Q. -- beyond being about the 2022</p> <p>3 redistricting process; is that fair?</p> <p>4 A. Well, I think what I had previously</p> <p>5 mentioned was I believe they had occurred after the</p> <p>6 legislative redistricting process, and I could not</p> <p>7 remember who he had spoken to or the exact subject</p> <p>8 matter, just that they were generally about</p> <p>9 redistricting.</p> <p>10 Q. Does the Secretary of State have an</p> <p>11 opinion with respect to the legislative districts</p> <p>12 that were drawn up in 2022?</p> <p>13 MR. BECKETT: Object to the form.</p> <p>14 A. No, sir.</p> <p>15 Q. Do you know whether he has been asked by</p> <p>16 anybody to opine on how long it would take to</p> <p>17 implement new districts if the court were to</p> <p>18 determine that new districts were mandated by the</p> <p>19 law?</p> <p>20 MR. BECKETT: Object to the form.</p> <p>21 THE WITNESS: I'm not aware of any</p> <p>22 requests to opine on how long it would take to</p> <p>23 implement new districts.</p> <p>24 BY MR. LAVELLE:</p> <p>25 Q. Do you have an understanding, as you sit</p>
<p style="text-align: right;">Page 143</p> <p>1 communication regarding the litigation?</p> <p>2 Q. Yes, the current litigation challenging</p> <p>3 the state legislative districts.</p> <p>4 A. When we, of course, talked with counsel.</p> <p>5 Q. All right. Other than privileged</p> <p>6 communications with counsel, are you aware of any</p> <p>7 discussions that the Secretary of State has had with</p> <p>8 anybody about the -- about this litigation?</p> <p>9 A. I'm not aware of any communications</p> <p>10 regarding this litigation.</p> <p>11 Q. How about with legislators about this</p> <p>12 litigation?</p> <p>13 A. I'm not aware of any communications with</p> <p>14 legislators regarding this litigation.</p> <p>15 Q. Okay. Do you know whether there were any</p> <p>16 communications that the Secretary of State had with</p> <p>17 legislators during the course of the 2022</p> <p>18 redistricting process?</p> <p>19 A. Other than the ones that I've previously</p> <p>20 discussed, no.</p> <p>21 Q. So there were that were during the course</p> <p>22 of the 2022 redistricting process, we just don't</p> <p>23 know who they were with, how many there were or what</p> <p>24 the subject matter was --</p> <p>25 MR. BECKETT: Object to the form.</p>	<p style="text-align: right;">Page 145</p> <p>1 here today, sir, of how long it would take to</p> <p>2 implement changed districts if the court were to</p> <p>3 determine that they were required either under the</p> <p>4 Voting Rights Act or the U.S. Constitution?</p> <p>5 A. I think that would be hard to determine</p> <p>6 until there's something proposed on what those</p> <p>7 changes would be. That could be very complex.</p> <p>8 There's a lot of moving pieces. So until there's a</p> <p>9 proposal on what those lines would be, it's really</p> <p>10 hard to determine how long that process would take.</p> <p>11 Q. It would be fair to say that you would do</p> <p>12 everything in your power to comply with any court</p> <p>13 order that was entered requiring adoption of new</p> <p>14 districts; isn't that fair?</p> <p>15 MR. BECKETT: Object to the form.</p> <p>16 THE WITNESS: Yes. The Mississippi</p> <p>17 Secretary of State will follow any lawful order of</p> <p>18 the court.</p> <p>19 BY MR. LAVELLE:</p> <p>20 Q. Are you familiar with something called a</p> <p>21 resolution board?</p> <p>22 A. Yes.</p> <p>23 Q. What is a resolution board?</p> <p>24 A. The resolution board is election</p> <p>25 officials appointed at the county level, similar to</p>

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<p style="text-align: right;">Page 146</p> <p>1 poll managers, that process absentee ballots and 2 also look at ballots that could not be properly 3 scanned by a voting machine to determine the voter's 4 intent. 5 Q. And what about the voter's intent has to 6 be determined from review? 7 A. If a ballot is marked in a way that the 8 machine can't read, like, anything, when you put a 9 person in front of somebody, they are going to 10 figure out a hundred different ways to do it. So if 11 they don't properly fill in the bubble and then 12 maybe then a checkmark or circled the person's name 13 or some other indication that's who they are 14 choosing to vote for but it doesn't actually 15 properly fill in the bubble for the machine to read, 16 the resolution board can look at that. If they can 17 properly determine the voter's intent, transfer that 18 to a proper ballot properly designating it and let 19 that vote to be accepted and counted. 20 Q. Who appoints the resolution board? 21 A. The local county election officials. 22 Q. What role, if any, does the Secretary of 23 State's office have with respect to training 24 resolution boards? 25 A. We train the local election officials</p>	<p style="text-align: right;">Page 148</p> <p>1 occurred in Mississippi where voters have been 2 challenged in a racially discriminatory way? 3 MR. BECKETT: Object to the form. 4 THE WITNESS: No, sir. 5 MR. LAVELLE: Let's take a short break. 6 I may be close to finished here, but I want to go 7 over my notes briefly. Let's take a five-minute 8 break. 9 THE VIDEOGRAPHER: The time is 1:02 p.m. 10 We are off the record. 11 (Off the record.) 12 THE VIDEOGRAPHER: We're back on the 13 record. The time is 1:09 p.m. 14 MR. LAVELLE: All right. 15 Mr. Kirkpatrick, I do not have any further questions 16 for you. I want to thank you very much for your 17 time and attention today and for your willingness to 18 walk through these areas with us and hope you and 19 your family have a wonderful holiday. 20 THE WITNESS: Yes, sir. You too. 21 MR. BECKETT: Thank you, John. We wish 22 the best to you during this holiday season. 23 We do want to read and sign, but I'm not 24 going to do any questioning today. 25 MR. LAVELLE: Very good.</p>
<p style="text-align: right;">Page 147</p> <p>1 who, in turn, train the resolution boards. 2 Q. Are you familiar with the process for 3 challenging a ballot under Mississippi law? 4 A. Yes, sir. 5 Q. What is the process for challenging a 6 ballot? 7 A. A person who is eligible to challenge a 8 ballot can challenge a person's qualifications to 9 vote either at the precinct or they can do so in 10 front of a resolution board, if it's an absentee 11 voter. 12 Q. And what is a possible basis for 13 challenging a voter? 14 A. It could be that that person isn't the 15 person who is -- who they say they are, that they 16 are not eligible to vote, they don't live in the 17 district, they don't live in the precinct, they 18 aren't qualified to vote absentee are all reasons 19 for challenging the ballot or challenging the 20 qualifications of someone to vote. 21 Q. Does the Secretary of State's office 22 track patterns or situations where challenges to 23 voters occur? 24 A. No, sir. 25 Q. Are you aware of any incidents that have</p>	<p style="text-align: right;">Page 149</p> <p>1 MR. BECKETT: All right. Thank you. 2 THE VIDEOGRAPHER: With nothing further, 3 the time is 1:10 p.m. We're off the record. 4 (Whereupon, the above-entitled deposition was 5 concluded at 1:10 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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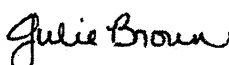
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PTX-115-038

<p style="text-align: right;">Page 150</p> <p>CERTIFICATE OF COURT REPORTER</p> <p>I, Julie Brown, Court Reporter and Notary Public, in and for the State of Mississippi, do hereby certify that the above and foregoing 150 pages, including this page, contain a true and accurate transcription of the testimony of Kyle Kirkpatrick contain a full, true and correct transcript of the proceedings had in the aforementioned case at the time and place indicated, which proceedings were recorded by me to the best of my skill and ability, remotely via videoconference.</p> <p>I also certify that I placed the witness under oath to tell the truth and that all answers were given under that oath.</p> <p>I certify that the witness has chosen his right to the reading and signing of the deposition. I certify that I have no interest, monetary or otherwise, in the outcome of this case.</p> <p>Witness my signature and seal this day, January 5, 2024.</p> <p></p> <p>JULIE BROWN, RPR, CCR 1587 My Commission Expires: April 6, 2024</p>	<p style="text-align: right;">Page 152</p> <p>Mississippi NAACP v. State Board Of Election Commissioners Et Al</p> <p>Kyle Kirkpatrick (#6326668)</p> <p>ERRATA SHEET</p> <p>PAGE _____ LINE _____ CHANGE _____</p> <p>REASON _____</p> <p>PAGE _____ LINE _____ CHANGE _____</p> <p>REASON _____</p> <p>PAGE _____ LINE _____ CHANGE _____</p> <p>REASON _____</p> <p>PAGE _____ LINE _____ CHANGE _____</p> <p>REASON _____</p> <p>PAGE _____ LINE _____ CHANGE _____</p> <p>REASON _____</p> <p>PAGE _____ LINE _____ CHANGE _____</p> <p>REASON _____</p> <p>Kyle Kirkpatrick Date _____</p>
<p style="text-align: right;">Page 151</p> <p>P. Ryan Beckett, Esq.</p> <p>Ryan.Beckett@butlersnow.com</p> <p>January 5, 2024</p> <p>Mississippi NAACP v. State Board Of Election Commissioners Et Al</p> <p>12/20/2023, Kyle Kirkpatrick (#6326668)</p> <p>The above-referenced transcript is available for review.</p> <p>Within the applicable timeframe, the witness should read the testimony to verify its accuracy. If there are any changes, the witness should note those with the reason, on the attached Errata Sheet.</p> <p>The witness should sign the Acknowledgment of Deponent and Errata and return to the deposing attorney.</p> <p>Copies should be sent to all counsel, and to Veritext at cs-ny@veritext.com.</p> <p>Return completed errata within 30 days from receipt of testimony.</p> <p>If the witness fails to do so within the time allotted, the transcript may be used as if signed.</p> <p>Yours, Veritext Legal Solutions</p>	<p style="text-align: right;">Page 153</p> <p>Mississippi NAACP v. State Board Of Election Commissioners Et Al</p> <p>Kyle Kirkpatrick (#6326668)</p> <p>ACKNOWLEDGEMENT OF DEPONENT</p> <p>I, Kyle Kirkpatrick, do hereby declare that I have read the foregoing transcript, I have made any corrections, additions, or changes I deemed necessary as noted above to be appended hereto, and that the same is a true, correct and complete transcript of the testimony given by me.</p> <p>Kyle Kirkpatrick Date _____</p> <p>*If notary is required</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS</p> <p>_____ DAY OF _____, 20____.</p> <p>NOTARY PUBLIC</p>

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